

Plaintiff's 5/12/06
deposition,
with exhibits
Part 2

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<p>1 Q. Now, in advance of this</p> <p>2 meeting on October the 29th, 2003, do you</p> <p>3 know if -- were you on inactive status</p> <p>4 with the company?</p> <p>5 A. I was taken off of the job.</p> <p>6 What status they called it, I don't know.</p> <p>7 Q. During this time period</p> <p>8 between August and October, were you</p> <p>9 accruing attendance occurrences?</p> <p>10 A. I don't know. No -- I don't</p> <p>11 know. I don't know.</p> <p>12 Q. You don't know. Okay.</p> <p>13 During this meeting on October</p> <p>14 the 29th Ted Bryant tells you that your</p> <p>15 doctors released you to return to your job</p> <p>16 in the seaming department?</p> <p>17 A. Yes.</p> <p>18 Q. What else is said?</p> <p>19 A. I don't remember. But it was</p> <p>20 a lot said.</p> <p>21 Q. Okay. At any point during</p> <p>22 this meeting of October the 29th, 2003,</p> <p>23 does anybody make any reference to your</p>	<p>1 medical doctors didn't see any reason to</p> <p>2 take me off.</p> <p>3 He insisted that I find a</p> <p>4 doctor to take me off the job. And I</p> <p>5 asked him did he have one. But before it</p> <p>6 was over, he threatened to call the police</p> <p>7 on me.</p> <p>8 Q. Did anybody call the police on</p> <p>9 you in this meeting?</p> <p>10 A. No.</p> <p>11 Q. Did anybody in this meeting</p> <p>12 tell you that, you know, the company was</p> <p>13 kind of in a difficult spot because you</p> <p>14 were telling them you were in pain and</p> <p>15 your doctors were telling them that you</p> <p>16 could do the job?</p> <p>17 A. I don't remember.</p> <p>18 Q. You understand that Dr. Wade</p> <p>19 and Dr. Katz said that you could go back</p> <p>20 to work and do your full job as a seamer.</p> <p>21 You understand that, don't you?</p> <p>22 A. Yes.</p> <p>23 Q. And were you not -- even</p>
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<p>1 race?</p> <p>2 A. My race?</p> <p>3 Q. To your race.</p> <p>4 A. No.</p> <p>5 Q. Did anybody tell any racial</p> <p>6 jokes?</p> <p>7 A. No.</p> <p>8 Q. Anybody make any racial slurs?</p> <p>9 A. No.</p> <p>10 Q. Anybody make any reference to</p> <p>11 your retirement benefits with the company?</p> <p>12 A. I don't believe so.</p> <p>13 Q. As best you recall, other than</p> <p>14 Mr. Bryant telling you that your doctors</p> <p>15 had released you -- your Workers' Comp</p> <p>16 doctors had released you to return to</p> <p>17 work, tell me everything else that was</p> <p>18 said in this meeting.</p> <p>19 A. Jeff Johnston told me that he</p> <p>20 was giving me the opportunity to go to my</p> <p>21 doctor so they could take me off the job.</p> <p>22 And I told him that my -- what was going</p> <p>23 on was injuries, not job related. My</p>	<p>1 though your doctors said that you could do</p> <p>2 the job during this meeting on the 29th,</p> <p>3 you told Mr. Johnston and Mr. Bryant that</p> <p>4 you were in pain, weren't you?</p> <p>5 A. I told them that I was in pain</p> <p>6 and it was excruciating. I told them that</p> <p>7 I was going to the doctors, and their</p> <p>8 doctors was not doing anything for me. I</p> <p>9 told them that I was getting passed</p> <p>10 through the doctor's office and that no</p> <p>11 matter what, they wasn't doing anything</p> <p>12 for me. They was just -- I was just</p> <p>13 visiting the office, and that was it.</p> <p>14 They wasn't doing anything about the pain.</p> <p>15 Q. Is it your contention that</p> <p>16 Dr. Wade didn't really treat you when you</p> <p>17 went to see him as an orthopedist?</p> <p>18 A. He -- I -- no, he didn't treat</p> <p>19 me. He just examined me. He didn't treat</p> <p>20 me, he just examined me.</p> <p>21 Q. What about Dr. Katz?</p> <p>22 A. Dr. Katz -- reluctantly, I</p> <p>23 knew I was allergic to steroids, because</p>

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<p>1 they had -- they had me -- I had had them 2 before. They caused me to have heart 3 problems. So the pain was so 4 excruciating -- he kept saying, "All I can 5 do for you is injections." Each time I 6 had an injection -- which on three 7 different occasions I had to stop my 8 medication; aspirins and my blood pressure 9 medicine. Each time he injected me I had 10 an anxiety attack or my heart would 11 flirt. I even passed out. 12 Q. Are you talking about 13 Dr. Katz? 14 A. Dr. Katz. I told him that I 15 was allergic to the steroids. He says, 16 "Well, I'm going to give you something to 17 cope with the steroids." In turn he gave 18 me Valium, and the Valium was causing me 19 to run red lights, to just sit up at a 20 light -- three or four lights and the 21 lights turning and changing, people 22 tooting their horns. 23 So during that point, I</p>	<p>1 Security disability benefits? 2 A. Yes. 3 Q. You told them that during this 4 meeting? 5 A. Yes. 6 Q. During this meeting you had a 7 discussion with them about whether you 8 were going to apply for long-term 9 disability benefits with the company. 10 What did you tell them about that? 11 A. I didn't know my rights. 12 Q. You didn't tell them that you 13 had applied for Social Security? 14 A. I had applied for Social 15 Security. Not with the company, but with 16 the State. 17 Q. All right. And you have 18 since, in fact, been declared disabled by 19 Social Security, right? 20 A. Yes. 21 Q. And they declared you disabled 22 all the way back to August the 21st, 2003? 23 A. Yes.</p>
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<p>1 decided I wasn't going to drive, because I 2 didn't want to kill anybody, and I didn't 3 want to be killed. So that's what 4 happened with Dr. Katz. 5 And then after that he never 6 -- the only thing he would tell me, "I 7 could treat you with injections." He knew 8 I was allergic to injections. 9 Q. Now, you selected Dr. Wade 10 from a Workers' Comp panel of four, didn't 11 you? 12 A. Yes. 13 Q. So the company gave you four 14 names? 15 A. Yes. 16 Q. And you picked Dr. Wade from 17 the list? 18 A. Yes. 19 Q. Okay. When you had this 20 meeting with the company on October the 21 29th, 2003, did you tell Mr. Johnston and 22 Mr. Bryant and Bob Hampsey and Norma Heath 23 that you had already applied for Social</p>	<p>1 Q. Okay. So if I understand this 2 determination correctly -- we are going to 3 mark this as Exhibit 8. 4 (WHEREUPON, a document was 5 marked as Defendant's Exhibit 8 and is 6 attached to the original transcript.) 7 Q. Just take a minute and read 8 over what is marked as Exhibit 8. 9 A. Okay. 10 Q. Have you had a chance to look 11 over this Notice of Decision-Fully 12 Favorable that we have marked as Exhibit 13 8? 14 A. Yes. 15 Q. Did somebody help you file 16 this? 17 A. Yes. 18 Q. Who? 19 A. My daughter. 20 Q. Okay. At any point in this 21 process -- during your disability 22 application process -- did you provide 23 them with a list of all of your Workers'</p>

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<p>1 Comp doctors?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Now, the doctors who</p> <p>4 are referenced in here, Dr. Darryl</p> <p>5 Hamilton, your treating cardiologist,</p> <p>6 Dr. Steven Allen, your treating</p> <p>7 physician -- it looks like you saw these</p> <p>8 doctors after you left Albany</p> <p>9 International.</p> <p>10 A. Yes.</p> <p>11 Q. Did you receive any treatment</p> <p>12 from Dr. Hamilton during your employment</p> <p>13 with Albany International?</p> <p>14 A. Yes.</p> <p>15 Q. For what?</p> <p>16 A. Mitral value prolapse.</p> <p>17 Q. How long have you had that?</p> <p>18 A. Since about '97.</p> <p>19 Q. Okay. What about Steven</p> <p>20 Allen?</p> <p>21 A. I was seeing -- I only saw him</p> <p>22 one time.</p> <p>23 Q. After you left Albany?</p>	<p>1 I wasn't earning money. That was the time</p> <p>2 that the company told me I couldn't come</p> <p>3 to work. When they asked me when was I</p> <p>4 disabled, I wrote August the 21st.</p> <p>5 Q. I assume, Ms. Davis, that some</p> <p>6 of these either treating doctors, or</p> <p>7 medical experts that look like they</p> <p>8 testified on your behalf, somehow</p> <p>9 identified August the 21st as -- August</p> <p>10 21st, 2003, as a date after which you were</p> <p>11 incapable of performing any work.</p> <p>12 A. Uh-huh (Nodding head). The</p> <p>13 first time I was turned down. After that</p> <p>14 I was diagnosed with congestive heart</p> <p>15 failure, and I was diagnosed with -- after</p> <p>16 I was turned down, I was diagnosed with</p> <p>17 congestive heart failure, and I was turned</p> <p>18 down with the depression. Severe</p> <p>19 depression.</p> <p>20 Q. You were turned down for what?</p> <p>21 A. Disability on my first -- when</p> <p>22 I first went -- applied. First six</p> <p>23 months.</p>
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<p>1 A. Yes.</p> <p>2 Q. All right.</p> <p>3 A. I think once.</p> <p>4 Q. Okay. This is your daughter</p> <p>5 who helped you with the application?</p> <p>6 A. Yes.</p> <p>7 Q. What is her name?</p> <p>8 A. DeMonica Jones. I'm sorry, we</p> <p>9 just are -- Ritchison. DeMonica</p> <p>10 Ritchison.</p> <p>11 Q. Did she get married?</p> <p>12 A. Yes.</p> <p>13 Q. Congratulations. It's been</p> <p>14 awhile.</p> <p>15 A. I forgot.</p> <p>16 Q. Based on this, it looks like</p> <p>17 you have been completely unable to work</p> <p>18 since August the 21st, 2003.</p> <p>19 A. I can explain that.</p> <p>20 Q. Please do.</p> <p>21 A. Because that's when I filed,</p> <p>22 because that's when the company took me</p> <p>23 off the job. I was not receiving money.</p>	<p>1 Q. When you first applied for</p> <p>2 disability, what reason did you list as</p> <p>3 the disability?</p> <p>4 A. I listed the fibromyalgia,</p> <p>5 bulging disks, chronic neck pain, back</p> <p>6 pain. I listed my wrists, but they are</p> <p>7 not on here.</p> <p>8 Q. And you say Social Security</p> <p>9 initially denied your request for</p> <p>10 benefits?</p> <p>11 A. They denied my request.</p> <p>12 Q. Did you appeal it or file a</p> <p>13 new application?</p> <p>14 A. I appealed.</p> <p>15 Q. Appealed. And is that when</p> <p>16 all of this -- it looks like you had a</p> <p>17 hearing of some sort and the doctors</p> <p>18 testified.</p> <p>19 A. That was July the 22nd of</p> <p>20 2005.</p> <p>21 Q. Had you already been diagnosed</p> <p>22 with congestive heart failure when you</p> <p>23 were initially denied Social Security? If</p>

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<p>1 you don't know just -- that's fine.</p> <p>2 A. No.</p> <p>3 Q. So you were --</p> <p>4 A. It was after.</p> <p>5 Q. So during the time period that</p> <p>6 you were appealing your Social Security is</p> <p>7 when --</p> <p>8 A. I developed --</p> <p>9 Q. -- Dr. Hamilton diagnosed you</p> <p>10 -- yeah. Dr. Hamilton diagnosed you with</p> <p>11 congestive heart failure?</p> <p>12 A. Yes.</p> <p>13 Q. Did the Social Security folks</p> <p>14 conclude in any way that you suffered some</p> <p>15 mental impairment?</p> <p>16 A. The only thing I see is severe</p> <p>17 depression. That's what I see on here. I</p> <p>18 did see their -- I guess their</p> <p>19 psychiatrist.</p> <p>20 Q. Are you undergoing any type of</p> <p>21 psychiatric treatment?</p> <p>22 A. Not right now.</p> <p>23 Q. Okay. Have you undergone</p>	<p>1 constantly humiliated, I was harassed out</p> <p>2 of my job, I felt robbed.</p> <p>3 Q. Okay. Anything else?</p> <p>4 A. I worked for that company</p> <p>5 twenty-four and a half years. I gave it</p> <p>6 my all. I made millions for that company,</p> <p>7 and to be just robbed of my job.</p> <p>8 Q. You realize there is something</p> <p>9 that just appears inconsistent with being</p> <p>10 declared completely disabled to work and</p> <p>11 an assertion that somehow the company</p> <p>12 robbed you of a job that apparently you</p> <p>13 and your medical experts have -- you know,</p> <p>14 it's been concluded that you couldn't do.</p> <p>15 A. I don't know how they -- I</p> <p>16 don't know what -- I know that they --</p> <p>17 right here she said they determined it</p> <p>18 this way. When I listed fibromyalgia,</p> <p>19 when I listed chronic back pain, neck</p> <p>20 pain, wrists, when I listed -- let's see</p> <p>21 what else -- I was denied. Not until I</p> <p>22 was diagnosed with congestive heart</p> <p>23 failure, severe depression, and</p>
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<p>1 psychiatric treatment?</p> <p>2 A. Yes.</p> <p>3 Q. When?</p> <p>4 A. It was 2004.</p> <p>5 Q. Where?</p> <p>6 A. Montgomery Area Mental Health,</p> <p>7 I believe.</p> <p>8 Q. How many times did you go?</p> <p>9 A. I don't remember that. I</p> <p>10 don't know exactly.</p> <p>11 Q. Why did you go?</p> <p>12 A. Depression.</p> <p>13 Q. Has anybody diagnosed the</p> <p>14 cause of your depression?</p> <p>15 A. I don't know. I don't know,</p> <p>16 because I was never told.</p> <p>17 Q. All right. Did you seek</p> <p>18 mental health counseling in any way</p> <p>19 because of your interactions with</p> <p>20 Mr. Johnston?</p> <p>21 A. Yes.</p> <p>22 Q. In what way?</p> <p>23 A. Because I was -- I was</p>	<p>1 "cardiomanopathy." After then, that's</p> <p>2 when I was determined disabled.</p> <p>3 Q. The depression diagnosis, was</p> <p>4 that before or after you started having</p> <p>5 marital problems with your most recent</p> <p>6 husband?</p> <p>7 A. What are you talking about?</p> <p>8 Q. You are currently married.</p> <p>9 A. I'm not anymore.</p> <p>10 Q. Okay. When did you get</p> <p>11 divorced?</p> <p>12 A. April -- April the 4th, 2006.</p> <p>13 Q. When did you file for divorce?</p> <p>14 A. I didn't file. He filed.</p> <p>15 Q. He filed. Now, at the time</p> <p>16 you were receiving treatment from the</p> <p>17 Montgomery Area Mental Health Authority</p> <p>18 you were having marital problems with your</p> <p>19 former husband, weren't you? He was then</p> <p>20 your husband. You were already having</p> <p>21 problems, weren't you?</p> <p>22 A. No, I wasn't having problems,</p> <p>23 because he was the one taking me to and</p>

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<p>1 from the doctors and taking care of me</p> <p>2 during that time.</p> <p>3 Q. All right. Now, your</p> <p>4 congestive heart failure, did any of your</p> <p>5 doctors tell you what the cause of that</p> <p>6 was?</p> <p>7 A. I have never been told that</p> <p>8 either.</p> <p>9 Q. Have you ever asked any of</p> <p>10 your treating doctors what caused your</p> <p>11 congestive heart failure?</p> <p>12 A. No, I didn't.</p> <p>13 Q. Have any of your doctors ever</p> <p>14 told you that Mr. Johnston caused your</p> <p>15 congestive heart failure?</p> <p>16 A. No.</p> <p>17 Q. Any of your doctors ever told</p> <p>18 you anything about your employment with</p> <p>19 Albany International caused your</p> <p>20 congestive heart failure?</p> <p>21 A. No.</p> <p>22 Q. You originally applied for</p> <p>23 disability benefits on October the 13th,</p>	<p>1 A. That's what they asked.</p> <p>2 Q. You reported to them that it</p> <p>3 was August the 21st?</p> <p>4 A. 21st.</p> <p>5 Q. 2003?</p> <p>6 A. Yes.</p> <p>7 Q. All right. You didn't tell</p> <p>8 them that you had worked any shifts</p> <p>9 between August the 21st and October the</p> <p>10 13th?</p> <p>11 A. I told them that this was --</p> <p>12 that -- the last consistently working, and</p> <p>13 I told them that I was going to and from.</p> <p>14 And I told them that this is what was --</p> <p>15 in other words, I was going to and from</p> <p>16 the job off and on. Just called in -- I</p> <p>17 explained to them what was going on and my</p> <p>18 situation.</p> <p>19 Q. Okay. Now, during this</p> <p>20 meeting on October the 29th, 2003, did</p> <p>21 anybody give you any documents during that</p> <p>22 meeting?</p> <p>23 A. I remember signing a piece of</p>
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<p>1 2003, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Now, at the time you applied,</p> <p>4 did you tell Social Security that you were</p> <p>5 completely unable to work?</p> <p>6 A. No. I told them that my</p> <p>7 company had -- I called them, I explained</p> <p>8 what was going on on my job. I told them</p> <p>9 I was not earning anything. They was</p> <p>10 taking me off my job, they didn't allow me</p> <p>11 to work.</p> <p>12 Q. Did you tell Social Security</p> <p>13 that you had been fired on August the</p> <p>14 21st, 2003?</p> <p>15 A. I told them that I wasn't</p> <p>16 working. The last time I was on my job it</p> <p>17 was August, 2000 -- 21st, 2003. They</p> <p>18 asked me the last time I worked, that's</p> <p>19 what I told them.</p> <p>20 Q. So at the time you originally</p> <p>21 applied for Social Security disability</p> <p>22 benefits, they asked you when you last</p> <p>23 worked?</p>	<p>1 paper, but I don't know whether it was a</p> <p>2 document or not. It was a note written</p> <p>3 and a letter threatening me that I would</p> <p>4 be fired.</p> <p>5 Q. A letter threatening you --</p> <p>6 A. A letter telling me that I</p> <p>7 would be terminated -- it was the</p> <p>8 attendance policy. Something pertaining</p> <p>9 to the attendance policy.</p> <p>10 Q. I tell you what.</p> <p>11 MS. WILLIAMS: Can we take a</p> <p>12 short break?</p> <p>13 MR. POWELL: Off the record</p> <p>14 for a second.</p> <p>15 12:30 PM</p> <p>16 (Short recess)</p> <p>17 1:40 PM</p> <p>18 Q. (BY MR. POWELL) Are you ready?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Shortly before we</p> <p>21 broke for lunch, you indicated that you</p> <p>22 had been somehow constantly humiliated at</p> <p>23 work.</p>

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<p>1 A. Yes.</p> <p>2 Q. By whom?</p> <p>3 A. Jeff Johnston. I was</p> <p>4 humiliated by Ted Bryant, Bob Hampsey,</p> <p>5 supervisors, Barbara Smith and Nat Jones.</p> <p>6 Q. When you said you were</p> <p>7 constantly humiliated by supervisors, are</p> <p>8 you referring to Barbara Smith and Nat</p> <p>9 Jones?</p> <p>10 A. Well, Nat Jones and Barbara</p> <p>11 Smith, them two.</p> <p>12 Q. Okay. So were you humiliated</p> <p>13 by anybody other than Jeff Johnston, Ted</p> <p>14 Bryant, Bob Hampsey, Barbara Smith, and</p> <p>15 Nat Jones?</p> <p>16 A. As far as when I was coming</p> <p>17 into the end of my leave, not being</p> <p>18 there. I was placed on wire assignments</p> <p>19 which was difficult. I was asked to do</p> <p>20 things that they know was causing pain or</p> <p>21 further injuries. I was constantly</p> <p>22 reminded of what -- how do you put it --</p> <p>23 what I could or couldn't do. Whenever</p>	<p>1 believe resulted in constant humiliation?</p> <p>2 A. They were in authority.</p> <p>3 Q. Just Mr. Johnston</p> <p>4 specifically.</p> <p>5 A. He was in authority. He</p> <p>6 allowed work -- he knew that I had an</p> <p>7 injury. No one did anything to make my</p> <p>8 job easier or to help me through or to</p> <p>9 make me be able to just perform my job. I</p> <p>10 was sent to work as if though I never</p> <p>11 received -- I didn't have an injury.</p> <p>12 I was placed on difficult</p> <p>13 fabrics. I asked off the M-3000. I was</p> <p>14 never taken off. I was told that I had to</p> <p>15 work, I couldn't come off. I know of</p> <p>16 people that they took off of the M-3000</p> <p>17 when they complained of the pain and</p> <p>18 difficulties or when they were told that</p> <p>19 this fabric is too difficult or I'm having</p> <p>20 problems here. If I asked off, I never</p> <p>21 could -- I would always have to work that</p> <p>22 fabric.</p> <p>23 Q. What exactly did Jeff Johnston</p>
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<p>1 they put -- like I would be working, they</p> <p>2 would ask me to help other employees,</p> <p>3 which I would be in pain, and this person</p> <p>4 be standing up laughing, holding a</p> <p>5 conversation.</p> <p>6 Some occasions where -- when I</p> <p>7 came back from injury, I was placed on a</p> <p>8 machine where other people were given</p> <p>9 light duty or a desk -- something to do at</p> <p>10 a desk or paperwork. A whole bunch of</p> <p>11 things.</p> <p>12 Q. All right. So when you said</p> <p>13 earlier that you were constantly</p> <p>14 humiliated, are these the types of things</p> <p>15 that you were referring to?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And if I understood you</p> <p>18 correctly, the humiliation was caused by</p> <p>19 Jeff Johnston, Ted Bryant, Bob Hampsey,</p> <p>20 Barbara Smith, and Nat Jones?</p> <p>21 A. Yes.</p> <p>22 Q. Let's take them one at a</p> <p>23 time. What did Mr. Johnston do that you</p>	<p>1 do that you claim resulted in constant</p> <p>2 humiliation?</p> <p>3 A. If -- he did nothing about</p> <p>4 it. He did nothing about it. He allowed</p> <p>5 these things to take place.</p> <p>6 Q. So, if I understand you</p> <p>7 correctly, other people were humiliating</p> <p>8 you, and Mr. Johnston didn't do anything</p> <p>9 to stop it?</p> <p>10 A. No. It wasn't other people.</p> <p>11 Under these conditions -- under these</p> <p>12 working conditions, I was being</p> <p>13 humiliated, because nothing was done</p> <p>14 about -- okay, you have a rotator tear --</p> <p>15 you have a rotator tear, but you have got</p> <p>16 to go work this machine. I'm constantly</p> <p>17 using this arm, pulling wires down, tying</p> <p>18 knots, pushing machines, crawling on the</p> <p>19 floor, moving stands, lifting weights.</p> <p>20 I'm doing everything that people that was</p> <p>21 not injured do -- was doing.</p> <p>22 I was helping people do things</p> <p>23 that they know -- like starting up a</p>

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<p>1 seam. I start up a seam I'm going, 2 "Ouch," "Oh," just hollering, because I'm 3 in pain. And nobody did anything about 4 it. They just allowed me to work under 5 those conditions. 6 Q. They asked you to do something 7 that wasn't part of your normal job 8 assignment? 9 A. It was part of the job 10 assignment, but they knew I was injured in 11 my assignment. 12 Q. My question is: Did anybody 13 at the company ask you to perform a job 14 function that was not part of your normal 15 job assignment? 16 A. To help others wasn't part of 17 my job assignment. 18 Q. Over the course of your career 19 working in the seaming department, have 20 other employees helped you with projects? 21 A. I needed very little help. 22 Q. That wasn't my question. Over 23 the course --</p>	<p>1 Q. Okay. I'm going to reverse 2 the order of the list, because you have 3 alleged that somehow you were constantly 4 humiliated. You have named five people 5 that you claim did things to humiliate 6 you. 7 What I'm trying to determine 8 is what exactly each person did that 9 humiliated you. So let's start with Nat 10 Jones. What did Mr. Jones do that 11 humiliated you? 12 A. He would send me to fabric. 13 He would have me to seam difficult 14 fabrics. He would allow me to do other 15 people's rework. He would -- it's been 16 time I seamed his girlfriend's wires. 17 Q. Is there anything else 18 Mr. Jones did that you believe humiliated 19 you in some fashion? 20 A. I have gone to work and been 21 on one assignment, and he would take that 22 assignment from me. The easy 23 assignment -- when I come in, that would</p>
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<p>1 A. I have been helped. 2 Q. Other employees have helped 3 you? 4 A. Yes. 5 Q. Have you helped other 6 employees? 7 A. Yes. 8 Q. Okay. When other employees 9 have helped you, is there something 10 humiliating about that? 11 A. It became humiliating when I'm 12 in constant pain, instead of being asked 13 to do it -- that's when it became 14 humiliating. 15 Q. The time that you are being 16 asked to do this and you claim it was 17 humiliating, were you under any specific 18 restrictions from any doctor not to do 19 some aspect of your job? 20 A. I have -- yes. 21 Q. When? 22 A. At different -- different 23 times.</p>	<p>1 be my assignment. He have taken that 2 assignment from me and given me the other 3 person's assignment that was more 4 difficult. 5 Q. Anything else from Mr. Jones 6 that you believe humiliated you? 7 A. I guess -- I don't know. I 8 can't remember anything else. 9 Q. Do you have a list anywhere? 10 A. No, I don't have a list. 11 Q. All right. Based on my notes, 12 what I have that you allege Mr. Jones did 13 to humiliate you was to have you seam 14 difficult fabrics, do other employee's 15 rework on fabrics, seam his girlfriend's 16 wires. 17 A. Yes. 18 Q. And then he would reassign you 19 from an easy job to a hard job. 20 A. See, we were always assigned. 21 We were always assigned -- we had an 22 assignment when we came in. And sometimes 23 he would take that assignment, if it was</p>

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<p>1 an easy assignment, and give it to another</p> <p>2 person and put me on a more different</p> <p>3 assignment.</p> <p>4 Q. Are those the four things that</p> <p>5 you claim Mr. Jones did that humiliated</p> <p>6 you?</p> <p>7 A. That's the four that I can</p> <p>8 remember.</p> <p>9 Q. What was Mr. Jones' job at the</p> <p>10 time?</p> <p>11 A. Seaming supervisor.</p> <p>12 Q. And can you tell me what year</p> <p>13 any of these four events took place with</p> <p>14 Mr. Jones?</p> <p>15 A. I don't remember.</p> <p>16 Q. All right.</p> <p>17 A. It was during his supervising</p> <p>18 -- seaming supervisor period.</p> <p>19 Q. Now, he would have you seam</p> <p>20 difficult fabrics?</p> <p>21 A. Yes.</p> <p>22 Q. What do you mean by that?</p> <p>23 A. Some fabrics we may have off</p>	<p>1 A. He has done it -- different</p> <p>2 ones; Dottie, Shirley, different people.</p> <p>3 Q. Well, do you know why he</p> <p>4 switched that person and gave that job to</p> <p>5 you?</p> <p>6 A. That person went to him and</p> <p>7 complained, "I don't want to work this</p> <p>8 fabric, I don't want to do this." We had</p> <p>9 people to do that, "I don't know what to</p> <p>10 do this." When they didn't want to do it,</p> <p>11 the less favorite person got the job.</p> <p>12 Q. Did you ever see anybody else</p> <p>13 seam a different fabric?</p> <p>14 A. Yes.</p> <p>15 Q. Who?</p> <p>16 A. Katherine Davis and Jerelene</p> <p>17 Forest.</p> <p>18 Q. When did Mr. Jones assign --</p> <p>19 take a difficult fabric away from somebody</p> <p>20 else and give it to you? When did that</p> <p>21 happen?</p> <p>22 A. Throughout his -- throughout</p> <p>23 his seaming supervisor.</p>
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<p>1 beat, bad counts, or sometimes they would</p> <p>2 be where it was cut too short to finish</p> <p>3 it. You had to start on the edge and you</p> <p>4 had to make sure you go to the other</p> <p>5 edge. When you do that, it was</p> <p>6 difficult. It made -- it was more</p> <p>7 difficult than it would be if you just</p> <p>8 hook a fabric up and seam.</p> <p>9 Q. Asking you to work on a</p> <p>10 difficult fabric, is that part of your</p> <p>11 normal job duties?</p> <p>12 A. It was part of all of our job</p> <p>13 duties.</p> <p>14 Q. Now, being asked by Mr. Jones</p> <p>15 to work on a difficult fabric, how did</p> <p>16 that humiliate you?</p> <p>17 A. Because he was taking the job</p> <p>18 that another qualified operator was doing</p> <p>19 and he would give it to me when that</p> <p>20 person was supposed to do that job</p> <p>21 themselves.</p> <p>22 Q. Who was he taking the job away</p> <p>23 from?</p>	<p>1 Q. How many times did he do that?</p> <p>2 A. A lots. I can't say how</p> <p>3 many. Several. A lot.</p> <p>4 Q. In asking you to seam a</p> <p>5 difficult fabric, you were still seaming a</p> <p>6 fabric, correct?</p> <p>7 A. Yes.</p> <p>8 Q. That's your job in the plant</p> <p>9 was to seam fabrics?</p> <p>10 A. Yes.</p> <p>11 Q. Did he make any derogatory</p> <p>12 remarks to you when he switched you to</p> <p>13 seaming difficult fabrics?</p> <p>14 A. What do you call derogatory?</p> <p>15 Q. Did he make any comments to</p> <p>16 you that upset you in any way when he</p> <p>17 switched you to a difficult fabric?</p> <p>18 A. You just go to this machine</p> <p>19 and you seam this fabric.</p> <p>20 Q. You got paid your normal rate</p> <p>21 of pay?</p> <p>22 A. Yes.</p> <p>23 Q. Whose rework did he have you</p>

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<p>1 do?</p> <p>2 A. Let's see. I have done -- I</p> <p>3 can't -- Jim's, Arnold's, Evelyn's,</p> <p>4 Mamie's, Dottie's -- just a whole bunch of</p> <p>5 people.</p> <p>6 Q. Did he ever tell you why he</p> <p>7 was giving you their rework?</p> <p>8 A. They always said that I could</p> <p>9 handle it.</p> <p>10 Q. Who is they?</p> <p>11 A. Like Nat or the other</p> <p>12 supervisors. They would say, "You can</p> <p>13 handle it."</p> <p>14 Q. So on the occasions that</p> <p>15 Mr. Jones assigned you to rework somebody</p> <p>16 else's fabric, he told you that you could</p> <p>17 handle it?</p> <p>18 A. Handle it, yes.</p> <p>19 Q. Do you believe Mr. Jones gave</p> <p>20 you these assignments because of your</p> <p>21 race?</p> <p>22 A. No.</p> <p>23 Q. Do you know why Mr. Jones gave</p>	<p>1 forgot her last name.</p> <p>2 Q. Morgan?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever go out with</p> <p>5 Mr. Jones?</p> <p>6 A. No.</p> <p>7 Q. How many times did Mr. Jones</p> <p>8 ask you to, I guess, rework Ms. Morgan's</p> <p>9 wire?</p> <p>10 A. I have -- I have come in and I</p> <p>11 have worked rework five days out of a</p> <p>12 week. Jean Carr, that's another one.</p> <p>13 Q. Another who?</p> <p>14 A. Person who I reworked behind.</p> <p>15 Q. Okay. Did anybody else in the</p> <p>16 seaming department do rework?</p> <p>17 A. Yes.</p> <p>18 Q. Who?</p> <p>19 A. Everybody.</p> <p>20 Q. Reworking on fabrics was</p> <p>21 something that everybody in the seaming</p> <p>22 department did?</p> <p>23 A. Yes.</p>
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<p>1 you the rework assignments?</p> <p>2 A. He wanted the job done, and he</p> <p>3 felt like I could handle it.</p> <p>4 Q. All right. Do you believe</p> <p>5 Mr. Jones assigned you to do difficult</p> <p>6 fabrics because of your race?</p> <p>7 A. No.</p> <p>8 Q. Why do you believe Mr. Jones</p> <p>9 gave you that job assignment?</p> <p>10 A. The other person went to him</p> <p>11 and told him they didn't want to do it.</p> <p>12 Q. Did you ever hear somebody</p> <p>13 tell Mr. Jones that they didn't want to do</p> <p>14 it?</p> <p>15 A. Yes. Yes.</p> <p>16 Q. Who?</p> <p>17 A. I have heard Mamie, Dottie,</p> <p>18 Dot, Doris.</p> <p>19 Q. You said Mr. Jones had you</p> <p>20 seam his girlfriend's wires.</p> <p>21 A. Yes.</p> <p>22 Q. Who?</p> <p>23 A. Her reworks. Evelyn. I done</p>	<p>1 Q. Okay. Do you believe</p> <p>2 Mr. Jones had you rework Evelyn Morgan's</p> <p>3 wire because of your race?</p> <p>4 A. No.</p> <p>5 Q. Do you know why he had you</p> <p>6 rework Ms. Morgan's wire?</p> <p>7 A. She didn't want to do it.</p> <p>8 Q. Did you hear Ms. Morgan say</p> <p>9 that?</p> <p>10 A. Well, I have seen people --</p> <p>11 Evelyn. I have seen others say, "I don't</p> <p>12 want this assignment," and they give it to</p> <p>13 the next person.</p> <p>14 Q. The next person being you?</p> <p>15 A. Yes.</p> <p>16 Q. You say somehow you were</p> <p>17 humiliated by Mr. Jones taking easy</p> <p>18 assignments away from you and switching</p> <p>19 you to a hard assignment.</p> <p>20 A. When you are in constant,</p> <p>21 excruciating pain, I'm talking about pain</p> <p>22 where you are trembling, and somebody</p> <p>23 takes an assignment from another person</p>

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<p>1 and give it to you, it humiliates you. It 2 humiliated me.</p> <p>3 Q. Did Mr. Jones make any 4 announcement to the department as a whole 5 that he was switching you from an easy 6 assignment to a hard assignment?</p> <p>7 A. No.</p> <p>8 Q. So he didn't do anything to 9 hold you up to public ridicule?</p> <p>10 A. No.</p> <p>11 Q. Well, what specific easy 12 assignments did he take away from you and 13 switch you to hard assignments?</p> <p>14 A. Some fabrics you go in, you 15 start the fabric in, it runs. Other 16 fabrics was more difficult. They were 17 tedious. They required a lot of 18 attention. You had to just stay there. 19 You couldn't relax in it, because I had to 20 put a decent seam in the fabric. I did 21 that.</p> <p>22 I purposefully made sure that 23 everything that I put my hand on, I did --</p>	<p>1 Sometimes I got the most difficult wire. 2 And during the time of my 3 injuries, no one had sympathy for me. 4 They would put me on the difficult fabrics 5 as -- as if though I wasn't in pain or 6 anything that was going on in my body.</p> <p>7 Q. Well, during this time -- this 8 system that you say where -- I guess you 9 rotated on different fabrics?</p> <p>10 A. Yes.</p> <p>11 Q. All right. Did that system 12 apply to you and to everybody else in the 13 seaming department?</p> <p>14 A. Yes.</p> <p>15 Q. So you rotated periodically 16 among the fabrics?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Occasionally, under the 19 rotation, you would get easy fabrics?</p> <p>20 A. You would -- if I had -- if 21 this fabric is my assignment, the other 22 operators come in and their assignment -- 23 because her assignment is difficult, you,</p>
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<p>1 I worked it to my best. I made sure that 2 it was quality work.</p> <p>3 Q. When you say Mr. Jones 4 switched you from an easy assignment to a 5 hard assignment, he was -- he still had 6 you doing a job that was within your 7 normal job description, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And at the time he was 10 switching you from these easy assignments 11 to these hard assignments, were they 12 within any medical restrictions placed on 13 you by your doctors?</p> <p>14 A. No.</p> <p>15 Q. Well, exactly which jobs did 16 he give you that were outside of any 17 restrictions put on you by your doctors?</p> <p>18 A. We had a system where you were 19 assigned fabrics, and you were assigned 20 those fabrics according to -- of 21 difficulties and -- less difficult. You 22 didn't have one person seam all of the 23 difficult wire, you spreaded them out.</p>	<p>1 in turn, take this person off their 2 assignment and you give them my assignment 3 and gave me her assignment.</p> <p>4 And then you had where we was 5 supposed to start a wire and we would 6 finish that fabric. We stayed on that 7 fabric till we finished. We wasn't 8 supposed to switch up in the middle of the 9 fabric. So he would switch me up 10 sometimes.</p> <p>11 Q. Did you go complain to the 12 Union?</p> <p>13 A. A lot of times I didn't 14 complain, because it wasn't doing me any 15 good to complain.</p> <p>16 Q. That wasn't my question. Did 17 you go complain to the Union?</p> <p>18 A. Yes, I did.</p> <p>19 Q. Who did you complain to?</p> <p>20 A. I complained to the supervisor 21 first.</p> <p>22 Q. Who would have been Mr. Jones?</p> <p>23 A. Mr. Jones.</p>

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<p>1 Q. Okay. And did you go to 2 anybody in the Union and ask if you could 3 file a grievance about this change in job 4 assignments? 5 A. I have gone to shop stewards 6 about wire assignment. 7 Q. I'm talking about with respect 8 to Mr. Jones. Did you go to the shop 9 steward about your job assignments? 10 A. Yes. 11 Q. When? 12 A. During the time of the wire 13 assignment. 14 Q. Okay. At the time of these 15 wire assignments with Mr. Jones, did you 16 have -- were you being treated by a 17 Workers' Compensation doctor? 18 A. This was the process in the 19 time I became a seamer until the time that 20 I was not there anymore. So this happened 21 down through the years. 22 Q. Right now we are talking about 23 Mr. Jones.</p>	<p>1 I have -- during the last time 2 I was there, I think it was N-5 I was 3 working, it was the -- I'm trying to think 4 -- I can't think of the fabric. It's a 5 very small fabric, a triple layer. 6 So I had on two wrist bands -- 7 this is what I'm talking about. When you 8 find -- have an error, you have to take it 9 out and put it in. I could not put my 10 hand down. I asked Barbara to call up 11 front and ask them to move me off that 12 machine. She told me that she couldn't do 13 it. And if you are in excruciating pain 14 and this happens, yes, there is humility. 15 Q. Did you finish out your shift 16 this day? 17 A. I don't know whether I did or 18 not. 19 Q. Did you get disciplined in any 20 way on that day? 21 A. No. 22 Q. Did you get paid for whatever 23 hours you worked that day?</p>
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<p>1 A. Okay. My point is, when I was 2 on limitations, wrist bands, lifting a 3 certain amount of weight, can't twist, you 4 can't bend, you are not supposed to crawl 5 today, just different things that I was -- 6 restrictions. I -- I would have to go -- 7 what I'm telling you is, I would have to 8 work that machine irregardless, whether I 9 was on restrictions or anything. If I 10 have to take the band off to fix 11 something, because it was a tedious area, 12 you couldn't put your hand in with a wrist 13 band. You couldn't fix different things 14 with a wrist band on. You have to take it 15 off. 16 Q. What did Barbara Smith do that 17 allegedly constantly humiliated you? 18 A. The last time -- the time that 19 I was constantly humiliated -- the two 20 times -- during the times of when I was on 21 restrictions, I have seen an operator get 22 up and go to the bathroom, and she asked 23 me to help load a fabric.</p>	<p>1 A. Yes. 2 Q. Okay. Did Ms. Smith in any 3 way hold you up to ridicule among your 4 co-workers in the plant? 5 A. No. 6 Q. All right. I think you said 7 somehow she humiliated you two times. You 8 have described one. What was the second 9 one? 10 A. When you are -- when I was 11 working -- I told the second time -- the 12 first time was when I was on -- a person 13 -- a fabric was assigned to a person, I 14 had two wrist bands on. This person 15 strolls off to the bathroom. She calls me 16 over to help load the fabric. She knows 17 that I've got two wrist bands on. 18 Q. All right. So there is only 19 one occasion where Ms. Smith did something 20 that humiliated you? 21 A. That's two separate; loading 22 somebody else's fabric and seaming a wire 23 with a wrist band.</p>

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<p>1 Q. Well, then, I'm confused.</p> <p>2 Somebody is working on a machine, they get</p> <p>3 up to go to the restroom and Ms. Smith</p> <p>4 calls you over to help load --</p> <p>5 A. Load the fabric.</p> <p>6 Q. -- the fabric. That's one</p> <p>7 occasion?</p> <p>8 A. Uh-huh (Nodding head).</p> <p>9 Q. Then when does this second</p> <p>10 occasion with seaming occur?</p> <p>11 A. I'm working on a machine --</p> <p>12 I'm seaming, and I have got on two wrist</p> <p>13 bands. I'm trying to seam a wire, and I'm</p> <p>14 having to take the wrist bands off to make</p> <p>15 sure that I'm putting the seam in the</p> <p>16 fabric. And I asked her to call up</p> <p>17 front -- and when I say up front, call</p> <p>18 management -- to let them know that I'm in</p> <p>19 a lot of pain, and this is causing more</p> <p>20 pain.</p> <p>21 Q. This seaming time when you</p> <p>22 asked her -- asked Ms. Smith to call up</p> <p>23 front, when was that?</p>	<p>1 your race?</p> <p>2 A. My rights?</p> <p>3 Q. Race?</p> <p>4 A. Race. No.</p> <p>5 Q. These humiliating events with</p> <p>6 Mr. Jones, did you make any effort to</p> <p>7 report them to Ted Bryant?</p> <p>8 A. I stopped complaining, because</p> <p>9 nothing was being done about it. I</p> <p>10 complained, and that was the end of it. I</p> <p>11 hear it, and that was it.</p> <p>12 Q. Nothing was being done to deal</p> <p>13 with your being in pain from your work</p> <p>14 injuries?</p> <p>15 A. That, and about me being</p> <p>16 humiliated. Me going -- if I went to Ted</p> <p>17 or Jeff, I was always the problem.</p> <p>18 Q. Who, at the company, did you</p> <p>19 go to and tell them that you felt that any</p> <p>20 other Albany employee had humiliated you?</p> <p>21 A. I didn't go to anybody.</p> <p>22 Q. So you didn't report to</p> <p>23 Mr. Bryant or Jeff Johnston or George</p>
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<p>1 A. It was in the -- it was in</p> <p>2 2003, because this was near the end.</p> <p>3 Q. What about the time where the</p> <p>4 other employee went to the restroom and</p> <p>5 she asked you to load?</p> <p>6 A. It was around the same time.</p> <p>7 Q. Do you know when in 2003?</p> <p>8 A. No.</p> <p>9 Q. Early part of 2003?</p> <p>10 A. Middle.</p> <p>11 Q. May, June?</p> <p>12 A. May, June, something like</p> <p>13 that.</p> <p>14 Q. So these two incidents with</p> <p>15 Ms. Smith happened in May or June of 2003?</p> <p>16 A. Yes.</p> <p>17 Q. Do you believe either of these</p> <p>18 events with Ms. Smith had anything to do</p> <p>19 with your race?</p> <p>20 A. Pardon?</p> <p>21 Q. Do you believe either of these</p> <p>22 two events that you have just described</p> <p>23 with Barbara Smith had anything to do with</p>	<p>1 Kazalay that Nat Jones had humiliated you</p> <p>2 in any way?</p> <p>3 A. No.</p> <p>4 Q. Did you report to anybody in</p> <p>5 management at the company that Barbara</p> <p>6 Smith had humiliated you in any way?</p> <p>7 A. No.</p> <p>8 Q. How did Bob Hampsey humiliate</p> <p>9 you?</p> <p>10 A. Once -- well, it was more than</p> <p>11 once, because we were given -- like</p> <p>12 sometimes -- we were told that we could</p> <p>13 take a break or we could step away from a</p> <p>14 fabric. And during this process -- during</p> <p>15 this period of the injury, and -- I don't</p> <p>16 know -- I guess getting ready to move me</p> <p>17 out of the plant -- I was being</p> <p>18 monitored. I had -- I would -- like if I</p> <p>19 go -- stood up or walked around, I was his</p> <p>20 -- he would call Tim and tell Tim, "You</p> <p>21 have got an employee away from the</p> <p>22 fabric," or, "Why is Dora doing this," or,</p> <p>23 "Why is Dora doing that."</p>

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<p>1 Q. Who was monitoring you?</p> <p>2 A. Tim Woodward.</p> <p>3 Q. Was Bob Hampsey monitoring</p> <p>4 you?</p> <p>5 A. Well, he would -- he has</p> <p>6 walked up to me on occasion and told me,</p> <p>7 "Bob was wondering why you are standing</p> <p>8 up," or, "Bob was wondering this."</p> <p>9 Q. Do you know if Mr. Hampsey</p> <p>10 ever checked on other employees who had</p> <p>11 walked away from their wire?</p> <p>12 A. I don't know.</p> <p>13 Q. And did Mr. Woodward say on</p> <p>14 either of these occasions why Mr. Hampsey</p> <p>15 had said anything about you being away</p> <p>16 from your wire?</p> <p>17 A. No.</p> <p>18 Q. Were you away from your wire</p> <p>19 on those occasions?</p> <p>20 A. No. I probably was sitting</p> <p>21 like I'm sitting now or taking a break or</p> <p>22 trying to move my head back or rest my</p> <p>23 arms or stand up and relax my back or do</p>	<p>1 like you could hear, and he was asked to</p> <p>2 dial 911. He said he didn't have to dial</p> <p>3 911.</p> <p>4 Q. Somebody from the company</p> <p>5 called an ambulance for you?</p> <p>6 A. Yes. I don't know who called</p> <p>7 it, but I know Shed called my daughter.</p> <p>8 Q. And who is Shed?</p> <p>9 A. Shederick Abner. He used to</p> <p>10 be an employee at the plant, too.</p> <p>11 Q. Did you work in the same</p> <p>12 department with Mr. Abner?</p> <p>13 A. A little while.</p> <p>14 Q. Which department was that?</p> <p>15 A. He worked in seaming.</p> <p>16 Q. He worked in the seaming</p> <p>17 department for a little while?</p> <p>18 A. Yes.</p> <p>19 Q. Did Mr. Abner ever do anything</p> <p>20 to humiliate you?</p> <p>21 A. No.</p> <p>22 Q. Okay. Do you keep up with</p> <p>23 Mr. Abner?</p>
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<p>1 something other than just sit there and be</p> <p>2 in pain.</p> <p>3 Q. Is there anything Mr. Hampsey</p> <p>4 has done towards you that humiliated you</p> <p>5 other than send Mr. Woodward to check on</p> <p>6 you?</p> <p>7 A. Well, once I went to the</p> <p>8 doctor -- this has been awhile -- and they</p> <p>9 wanted -- did the injection in my arm, the</p> <p>10 steroids that I was allergic to. It was a</p> <p>11 grievance process going on, so I had to go</p> <p>12 up front. And we were on our way up --</p> <p>13 this was Norma Heath, Shederick Abner, and</p> <p>14 myself.</p> <p>15 And on my way up, I think</p> <p>16 Barbara had passed our checks out, so I</p> <p>17 couldn't see. I gave the check to Norma</p> <p>18 and said, "Look at this check. I can't</p> <p>19 see it." And when we got upstairs, I</p> <p>20 passed out. And I know I passed out from</p> <p>21 the injection, because it was steroids.</p> <p>22 It was a reaction to the steroids.</p> <p>23 During that time -- before --</p>	<p>1 A. I haven't talked to him in a</p> <p>2 long time, no.</p> <p>3 Q. Okay. How do you know</p> <p>4 Mr. Hampsey said, "I don't have to call</p> <p>5 911?"</p> <p>6 A. I heard him.</p> <p>7 Q. I thought you were passed</p> <p>8 out.</p> <p>9 A. You also heard me say, too, I</p> <p>10 could hear. And when I heard him say --</p> <p>11 maybe I was coming back around -- I don't</p> <p>12 know what the situation was. I could hear</p> <p>13 him say, "I don't have to dial 911."</p> <p>14 Q. Well, at that point do you</p> <p>15 know if somebody for the company had</p> <p>16 already called the paramedics for you?</p> <p>17 A. I don't know, because -- I</p> <p>18 don't know -- I don't know. I just know</p> <p>19 the paramedics came.</p> <p>20 Q. And you received medical</p> <p>21 treatment for your allergic reaction to</p> <p>22 the steroid shot?</p> <p>23 A. I received the treatments for</p>

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<p>1 the -- yes.</p> <p>2 Q. Now, were you in a grievance</p> <p>3 meeting with Mr. Hampsey when this</p> <p>4 allergic reaction kicked in?</p> <p>5 A. I would say the devastations</p> <p>6 of it, but it was already kicking in when</p> <p>7 I couldn't see.</p> <p>8 Q. Were you a participant in a</p> <p>9 grievance meeting?</p> <p>10 A. Yes.</p> <p>11 Q. What was the grievance about?</p> <p>12 A. I don't remember.</p> <p>13 Q. Who filed the grievance?</p> <p>14 A. Shederick Abner.</p> <p>15 Q. Did you file the grievance?</p> <p>16 A. I believe my name was on it.</p> <p>17 I don't know. I remember -- but I believe</p> <p>18 it was, because that's why I was there.</p> <p>19 Q. Was this grievance arising out</p> <p>20 of yours and Mr. Abner's work in the</p> <p>21 seaming department?</p> <p>22 A. I don't remember. Yes, it</p> <p>23 derived from it. I don't remember exactly</p>	<p>1 Q. Ted Bryant was the plant</p> <p>2 manager?</p> <p>3 A. He was our personnel manager.</p> <p>4 He knew the rules, he knew what it took</p> <p>5 for me to be treated right. And he sit</p> <p>6 back and he allowed it. He allowed my job</p> <p>7 to be taken away, he allowed me to hurt</p> <p>8 every day. He knew the extent of the</p> <p>9 pain. He knew. He knew.</p> <p>10 He -- when I come to work and</p> <p>11 had expressed myself or talked to him on</p> <p>12 the phone, he knew that I was in pain. He</p> <p>13 knew that I was hurting.</p> <p>14 Q. Well, Ms. Davis, if your</p> <p>15 doctors released you to return to work --</p> <p>16 A. My doctors didn't release me.</p> <p>17 Q. They didn't?</p> <p>18 A. No.</p> <p>19 Q. Your doctors didn't tell the</p> <p>20 company that you could go back to work?</p> <p>21 A. No. Their doctors released</p> <p>22 me. The company doctors released me.</p> <p>23 Q. Your assigned Workers'</p>
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<p>1 what it was.</p> <p>2 Q. Do you remember what year this</p> <p>3 happened?</p> <p>4 A. This had to be about 2000,</p> <p>5 2001, something like that.</p> <p>6 Q. Okay. Do you remember what</p> <p>7 the ultimate outcome of the grievance was?</p> <p>8 A. I don't remember, because I</p> <p>9 have never did -- like it was -- whatever</p> <p>10 took place was -- it took place while I</p> <p>11 was still sick.</p> <p>12 Q. Okay. Anything else that you</p> <p>13 think Mr. Hampsey did that in any way</p> <p>14 humiliated you?</p> <p>15 A. I don't remember.</p> <p>16 Q. And you don't have a list</p> <p>17 written down anywhere?</p> <p>18 A. No, I don't have a list.</p> <p>19 Q. Okay. What is it that</p> <p>20 Mr. Bryant did that in any way humiliated</p> <p>21 you?</p> <p>22 A. Because he was our plant</p> <p>23 manager.</p>	<p>1 Compensation doctors released you.</p> <p>2 A. Yes. That's who released me.</p> <p>3 Q. Right. Your assigned work --</p> <p>4 approved Workers' Compensation doctors</p> <p>5 said that you could go back to doing your</p> <p>6 job as a seamer, correct?</p> <p>7 A. That's what they told me.</p> <p>8 Q. Okay. So some other doctor</p> <p>9 you think they should have listened to</p> <p>10 instead of the ones by law that you were</p> <p>11 seeing under your Workers' Comp?</p> <p>12 A. If you have four slipped</p> <p>13 bulging disks in your neck, you have four</p> <p>14 in your lower back, you have constant pain</p> <p>15 in your wrists, you have a rotator surgery</p> <p>16 where you have been told that the --</p> <p>17 anyway, the surgical -- after surgery or</p> <p>18 whatever -- the scars is aggravating you.</p> <p>19 This is all parts of your body. This is</p> <p>20 your -- this is your spine. You are in</p> <p>21 constant pain every day, and some doctor</p> <p>22 is going to release you knowing that you</p> <p>23 are in constant pain and not doing</p>

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<p>1 anything for you. They are -- they didn't 2 do anything for me. They passed me 3 through their office. 4 Q. Well, are you suing the 5 doctors for malpractice in their treatment 6 of you? 7 A. I was under their care because 8 of Appleton Wire. 9 Q. Is it your contention 10 Mr. Bryant is a doctor? 11 A. He was my personnel manager. 12 Q. Well, he didn't give you any 13 medical advice, did he? 14 A. He sent me to doctors for them 15 to give it to me. 16 Q. You picked Dr. Wade off of a 17 list of four. 18 A. I picked him because I had no 19 choice. I didn't know one from the other. 20 Q. So is it your contention that 21 merely because you were telling the 22 company that you were in pain that they 23 should ignore your -- the advice of your</p>	<p>1 A. No medical reason. He didn't 2 say it wasn't job related. 3 Q. Well, if there is no medical 4 reason for you to be off work, why do you 5 believe that the company had any 6 obligation to let you off work or change 7 your job in any way? 8 A. They didn't have to change my 9 job. All they had to do was give me 10 medical attention to attend -- to take 11 care of the medical injuries that I 12 received on Appleton Wire premises. 13 Q. How many different doctors did 14 the company pay for you to see for your 15 injuries at work? 16 A. I really don't know. 17 Q. Ten, twelve? 18 A. I haven't a clue. 19 Q. The company paid for your 20 rotator cuff surgery, didn't they? 21 A. Yes. 22 Q. They paid for rehabilitation 23 for your shoulder surgery?</p>
Page 218	Page 220
<p>1 medical doctors that you could do your 2 job? 3 A. I thought -- I think that they 4 should have made sure that I was medically 5 taken care of. They should have made sure 6 that I got proper medical help. I did not 7 know how to treat myself. Doctors do. 8 Q. Correct me if I'm wrong, but 9 didn't your treating doctors say that you 10 could go back to work? 11 A. When I went to him to ask him 12 to take me off, he told me, "All they are 13 going to say -- I'm not taking you off, 14 because all they are going to say is it is 15 not job related." He said that it was 16 nothing medically wrong with me to be off 17 my job. 18 Q. Who is he? 19 A. This was Dr. Mathis. 20 Q. Your personal physician said 21 there wasn't any medical reason -- your 22 personal physician, Dr. Mathis, said there 23 was no reason for you to be off work?</p>	<p>1 A. Yes. 2 Q. Paid to send you to an 3 orthopedist in Birmingham? 4 A. But they didn't do anything 5 for me. The rotator -- 6 Q. You mean the doctor didn't? 7 A. They repaired the rotator 8 cuff. Nobody repaired my lower back. My 9 neck was not repaired. My wrist was not 10 repaired. I went to Dr. Palmer with Donna 11 Smith. He told me because he had did 12 surgery on so many of the other people -- 13 other ladies, he didn't see it was no good 14 to do it on my wrists. He didn't say 15 nothing was wrong with my wrist, he just 16 said he didn't have a reason to do it, 17 because he had done it for the other 18 ladies. 19 Q. Are you telling me that in 20 this case you think somehow the company is 21 responsible for the quality of treatment 22 that you received from licensed doctors in 23 the State of Alabama?</p>

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<p>1 A. Yes, sir.</p> <p>2 Q. Well, just kind of -- let's</p> <p>3 start with -- let's start with Jeff Wade,</p> <p>4 orthopedic surgeon. The last time I</p> <p>5 checked, he is chief of staff at Brookwood</p> <p>6 Medical Center in Birmingham.</p> <p>7 A. It doesn't make him --</p> <p>8 Q. Let me ask my question.</p> <p>9 A. Go on.</p> <p>10 Q. Does he work to Albany</p> <p>11 International?</p> <p>12 A. He worked for -- yes. Yes.</p> <p>13 Q. He is employed by the company?</p> <p>14 A. No.</p> <p>15 Q. Okay. He is a private</p> <p>16 practice doctor, right?</p> <p>17 A. He was employed with them to</p> <p>18 take -- to see me.</p> <p>19 Q. Are you suing Dr. Wade for the</p> <p>20 quality of care that he gave you?</p> <p>21 A. Not yet.</p> <p>22 Q. Are you suing Dr. Katz for the</p> <p>23 quality of care that he gave you?</p>	<p>1 getting treated by these doctors.</p> <p>2 A. I have to call -- I had to</p> <p>3 report to him. He called me and told me I</p> <p>4 couldn't come in the building. He was in</p> <p>5 most of the meetings whenever anything</p> <p>6 happened, and he was the personnel</p> <p>7 manager.</p> <p>8 Q. Was Mr. Bryant ever rude to</p> <p>9 you on any occasion?</p> <p>10 A. No, he is not.</p> <p>11 Q. Did he ever say anything</p> <p>12 inappropriate to you?</p> <p>13 A. No.</p> <p>14 Q. Has he ever been anything</p> <p>15 other than completely polite to you?</p> <p>16 A. No.</p> <p>17 Q. Okay. Do you think he did</p> <p>18 anything to you because you are black?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. Did Mr. Bryant ever go</p> <p>21 with you on any visit to a doctor?</p> <p>22 A. No. They sent Donna Smith.</p> <p>23 Q. And who was Ms. Smith?</p>
Page 222	Page 224
<p>1 A. Not yet.</p> <p>2 Q. Are you suing Dr. Mathis?</p> <p>3 A. Not yet.</p> <p>4 Q. You say not yet. Do you plan</p> <p>5 on filing suit against Jeff Wade?</p> <p>6 A. I don't know.</p> <p>7 Q. Other than Mr. Bryant's</p> <p>8 apparently failing to properly supervise</p> <p>9 Jeff Wade and Dr. Katz, and other</p> <p>10 healthcare professionals, is there</p> <p>11 anything else that Mr. Bryant did that in</p> <p>12 any way humiliated you with your</p> <p>13 employment with Appleton Wire?</p> <p>14 A. I don't know about properly</p> <p>15 supervising them, but he is the personnel</p> <p>16 manager at Appleton Wire. And he was</p> <p>17 responsible for seeing to me -- seeing to</p> <p>18 the injured people receiving proper</p> <p>19 medical help.</p> <p>20 Q. From whom did you get -- I'm</p> <p>21 still trying to figure out what it is that</p> <p>22 a personnel manager -- what is it that you</p> <p>23 think he didn't do with respect to you</p>	<p>1 A. She was a nurse.</p> <p>2 Q. She is actually a medical</p> <p>3 professional?</p> <p>4 A. No. She was a nurse for</p> <p>5 Appleton Wire.</p> <p>6 Q. Did she work for the company?</p> <p>7 A. I assume, yes.</p> <p>8 Q. All right. Did Ms. Smith ever</p> <p>9 do anything -- Donna Smith ever do</p> <p>10 anything that humiliated you?</p> <p>11 A. Yes.</p> <p>12 Q. What did she do?</p> <p>13 A. She lied.</p> <p>14 Q. She lied?</p> <p>15 A. She told me I didn't need a</p> <p>16 lawyer. She listened to my complaints,</p> <p>17 and then she went back and she goes to the</p> <p>18 doctors before I could get there. She had</p> <p>19 already been in, she had already seen the</p> <p>20 doctor, and when I go, I was just being</p> <p>21 passed through.</p> <p>22 Q. So what is it that Ms. Smith</p> <p>23 did when she went to see these doctors?</p>

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<p>1 A. I have no clue. She get their 2 late, because sometimes you sit an hour or 3 sometimes two hours before she got there. 4 And then she would go in the back. They 5 wouldn't call you. She will go in the 6 back and she will commute with the 7 doctors. Then when she came out the 8 doctors would call you. She is already in 9 your room. 10 And when you leave, they 11 wouldn't -- we used to have to bring our 12 reports back to the office. She would 13 take -- I never received paperwork. I 14 would never really know my diagnosis. I 15 wouldn't know anything until one of them 16 -- Ted would call me on the phone and say, 17 "Dora, the doctor said this," or, "Dora, 18 the doctor said that." 19 Q. Well, while you were in a 20 doctor's offices you had an opportunity to 21 ask the doctor questions, didn't you? 22 A. I have been told -- especially 23 in Dr. Katz's office -- "No. We give this</p>	<p>1 they -- but he -- I had the opportunity, 2 but he would never answer me. The last 3 time I was in there I was accused of being 4 a problem in his office, because I asked a 5 question. I stopped asking questions from 6 all of them, because it was a problem 7 asking questions. 8 Q. What did Mr. Johnston do that 9 you believe humiliated you? 10 A. You haven't gotten that yet? 11 You are still asking me about 12 Mr. Johnston. 13 Q. I'm still trying to get a list 14 of what specifically it is Mr. Johnston 15 did that you allege constantly humiliated 16 you. 17 A. Mr. Johnston have tried to get 18 -- have tried -- anyway, he took my job. 19 He wanted me to promise him that I 20 couldn't -- that I wasn't in pain when I 21 was in constant pain. He constantly tried 22 to get me fired or fire me. And you don't 23 see no humiliation there?</p>
Page 226	Page 228
<p>1 to Ms. Smith." 2 Q. Are you telling me Dr. Katz 3 wouldn't talk to you when you were there 4 with a visit? 5 A. He would talk to me. But my 6 paperwork -- when we leave, they gave -- 7 you know how the doctor give you a slip of 8 paper or give you your diagnosis or give 9 you something letting you know what you 10 was in there for -- he wouldn't give 11 them to me, he gave them to Donna Smith. 12 Q. While you were in Dr. Katz's 13 office did you have an opportunity to ask 14 Dr. Katz questions about your healthcare? 15 A. The reason I stopped asking 16 doctors questions -- 17 Q. That wasn't any question. Did 18 you have an opportunity -- 19 A. I'm going to let you know why 20 anyway. 21 Q. You can tell me that in a 22 minute. 23 A. I had the opportunity to, but</p>	<p>1 Q. Did Mr. Johnston ever tell you 2 that you were fired? 3 A. I don't know whether he did or 4 not. 5 Q. Did Mr. Bryant ever tell you 6 that you were fired? 7 A. No. 8 Q. Did Bob Hampsey ever tell you 9 that you were fired? 10 A. No. 11 Q. Did Norma Heath tell you you 12 were fired? 13 A. No. 14 Q. The meeting on October the 15 29th, 2003; did anybody in that meeting 16 tell you that you were terminated from 17 Albany International? 18 A. When he told me he was calling 19 the police on me, I was terminated then. 20 Q. All right. He said he was 21 going to call the police. Did anybody in 22 that meeting tell you that you were 23 discharged from Albany International?</p>

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<p>1 A. I don't remember.</p> <p>2 Q. Did anybody in that meeting</p> <p>3 show you any papers?</p> <p>4 A. I didn't see any papers. I</p> <p>5 saw a sheet of paper where I was</p> <p>6 constantly being harassed by attendance</p> <p>7 stuff. Everytime they got ready to write</p> <p>8 me up or check -- they would go back</p> <p>9 through the same attendance day. I don't</p> <p>10 even remember the date, because I spent my</p> <p>11 time trying to forget all of this mess.</p> <p>12 Q. Trying to forget all of what</p> <p>13 mess?</p> <p>14 A. This -- what I'm going</p> <p>15 through.</p> <p>16 Q. Trying to forget this lawsuit?</p> <p>17 A. No, not the lawsuit. Trying</p> <p>18 to hang onto my job. Trying to work.</p> <p>19 Trying to get them to treat me like they</p> <p>20 was treating everybody else, giving them</p> <p>21 proper medical care.</p> <p>22 Q. Name for me other people at</p> <p>23 the company who got proper medical care.</p>	<p>1 would send me, a voided check where I</p> <p>2 wasn't being paid.</p> <p>3 Q. Were you working?</p> <p>4 A. They took me off the job.</p> <p>5 Q. Were you working?</p> <p>6 A. No.</p> <p>7 Q. You didn't clock in or clock</p> <p>8 out for any hours at the company?</p> <p>9 A. No.</p> <p>10 Q. So why would the company owe</p> <p>11 you any money if you didn't do any hours</p> <p>12 of work?</p> <p>13 A. They didn't allow me to clock</p> <p>14 in and out. They pulled my time card.</p> <p>15 Q. Now, Doris Carter, did she get</p> <p>16 hurt at work?</p> <p>17 A. Yes. She had gotten hurt at</p> <p>18 work on several occasions.</p> <p>19 Q. On this occasion where you</p> <p>20 think they got her proper medical</p> <p>21 treatment but were denying you proper</p> <p>22 medical treatment, what were they treating</p> <p>23 Ms. Carter for?</p>
Page 230	Page 232
<p>1 A. Jean Carr, Doris Carter,</p> <p>2 Shirley Howard, Dottie -- Doris Cooley,</p> <p>3 Velma Sutton, Bessie Jones. And there are</p> <p>4 probably some more, I just can't remember.</p> <p>5 Q. We will talk about that</p> <p>6 document in a minute. You can hang on to</p> <p>7 it for a second.</p> <p>8 Did you ever go on any visits</p> <p>9 with Doris Carter to any doctor for any</p> <p>10 reason?</p> <p>11 A. No.</p> <p>12 Q. What medical treatment was</p> <p>13 Ms. Carter provided by Albany</p> <p>14 International?</p> <p>15 A. They didn't -- they didn't</p> <p>16 take her off a job. They didn't send her</p> <p>17 out wondering did she have a job. They</p> <p>18 didn't make sure that -- I worked -- they</p> <p>19 didn't give voided checks on payday.</p> <p>20 Q. When did you get a voided</p> <p>21 check?</p> <p>22 A. Almost three months I got a</p> <p>23 voided check, because that is what they</p>	<p>1 A. I don't know.</p> <p>2 Q. How do you know what kind of</p> <p>3 treatment they gave her?</p> <p>4 A. Because, like I said, no one</p> <p>5 lost their job behind work injuries but</p> <p>6 me.</p> <p>7 Q. Do you know what Ms. Carter</p> <p>8 was being treated for?</p> <p>9 A. No.</p> <p>10 Q. Do you know when she received</p> <p>11 this treatment?</p> <p>12 A. It was during the same time</p> <p>13 that I was, but I don't know what doctor</p> <p>14 she was going to.</p> <p>15 Q. Do you know what she was being</p> <p>16 treated for?</p> <p>17 A. No.</p> <p>18 Q. You don't know which doctor?</p> <p>19 A. No.</p> <p>20 Q. Do you know if her doctor</p> <p>21 released her to work with no restrictions?</p> <p>22 A. No.</p> <p>23 Q. Shirley Howard, when was she</p>

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<p>1 being treated by a doctor provided by the 2 company? 3 A. I think both of her wrists she 4 had surgery, and I think her lower back. 5 She even laughed at me. She said -- 6 before she retired, she said, "Dora, you 7 mean to tell me all this time they are not 8 helping you, they are not giving you any 9 medical help." And she told me she had 10 received her -- 11 Q. Received what help? 12 A. I think she had back surgery. 13 I'm not for sure. 14 Q. She received what help? 15 A. From the company. Medical 16 help. 17 Q. What kind of medical help? 18 A. For injuries. Both wrists. 19 Whatever you call it. Carpal tunnel 20 syndrome and lower back, I believe. 21 Q. All right. Did she file 22 Workers' Comp claims for her wrists? 23 A. Yes.</p>	<p>1 Q. What were her restrictions? 2 A. Probably -- well -- 3 Q. Do you know what? 4 A. Filing -- I will tell you what 5 I saw. I saw them filing -- something of 6 that sort. 7 Q. And how long did she file? 8 A. I don't know. 9 Q. What was her normal job? 10 A. Seaming operator. 11 Q. Did Ms. Howard go back to 12 being a seaming operator? 13 A. Yes. 14 Q. And then she subsequently 15 retired? 16 A. Yes. 17 Q. Do you know if the company 18 provided the doctor who treated her for 19 carpal tunnel? 20 A. Yes. 21 Q. Do you have some idea of why 22 it is that the company would have provided 23 qualified medical care for these other</p>
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<p>1 Q. Was she treated by some doctor 2 provided by the company? 3 A. Dr. Palmer was the one who 4 told me he had treated the other women. 5 Q. Do you know if Dr. Palmer 6 treated Ms. Howard? 7 A. Yes. 8 Q. How do you know that? 9 A. I believe that's who she told 10 me. I think Dr. Palmer -- yeah, that was 11 the doctor, Dr. Palmer. 12 Q. Do you know what treatment 13 Dr. Palmer gave Ms. Howard? 14 A. Carpal tunnel syndrome. 15 Q. Do you know what specific 16 treatment he gave her for her injury? 17 A. Surgery. 18 Q. Did she come back to work 19 after the surgery? 20 A. Yes. 21 Q. Do you know if he placed her 22 on any type of restrictions? 23 A. I believe so.</p>	<p>1 individuals and would not have provided 2 you quality medical care? 3 A. Discrimination. 4 Q. For what reason? 5 A. I have no clue. 6 Q. Do you think that they -- the 7 company somehow intentionally picked poor 8 quality doctors because you are black? 9 A. I don't know why they -- be 10 honest with you, a lot of times they 11 didn't -- the company didn't pick the 12 doctor. Donna picked the doctors. 13 Q. So you think Donna was 14 intentionally sending you -- 15 A. I told Donna -- 16 Q. Do you think Donna was picking 17 doctors -- intentionally picking lower 18 quality doctors for you for discriminatory 19 reasons? 20 A. I won't say that the doctors 21 was lower quality doctors. I just believe 22 she picked doctors that would do her 23 favors.</p>

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<p>1 Q. That would do what; say there 2 wasn't anything wrong with you so you 3 could go to work? 4 A. Yes. I believe that. 5 Q. Did any doctor ever tell you 6 that they were doing her a favor and were 7 intentionally, in spite of knowing that it 8 was wrong, giving false medical testimony 9 on your part? 10 A. No, they never told me. 11 Q. Are you accusing Dr. Katz of 12 doing that? 13 A. Yes. 14 Q. Are you accusing Dr. Wade of 15 doing that? 16 A. Yes, sir. 17 Q. Any other doctors that you are 18 accusing of intentionally providing the 19 company false information about your 20 physical condition? 21 A. I want to tell you about 22 Dr. Miller. Dr. Miller -- he gave me a 23 nerve damage test. And when he did the</p>	<p>1 times. 2 Q. So Dr. Miller is on the list 3 of your treating doctors that you are 4 alleging intentionally gave the company 5 misleading information about your physical 6 condition? 7 A. Let me -- he is on the list. 8 Let me tell you about Dr. Garrison. I 9 went to him -- the first time I went to 10 Dr. Garrison, this -- I have a -- I have 11 proof. I have a witness. He -- when I 12 got there, the nurse, Karen, told them 13 that this is not job related. So if you 14 are going to a doctor's office and before 15 you get -- if they see you coming, they 16 decide that it is not job related, what 17 kind of -- what kind of care do you expect 18 to get. 19 But the second visit, he told 20 me, Dora -- he told me -- he gave me some 21 generics. I don't know the list. He gave 22 me three different medicines, generic. He 23 told me to go to the generic store and get</p>
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<p>1 nerve damage test, he would stick me and 2 he wouldn't get a response. Then he would 3 take the needle and just poke it in me. 4 And I would just lay there and tremble and 5 let them know the excruciating pain I was 6 in. He didn't do anything but just finish 7 the test. 8 Q. Who is Dr. Miller? 9 A. Caudill Miller. He was one of 10 Donna's picked doctor. 11 Q. What did Dr. Miller treat you 12 for? 13 A. Nerve damage. He was a 14 neurologist or neuro something. 15 Q. When -- 16 A. In the process I received two 17 nerve damage tests. 18 Q. What process? 19 A. Lower extremity the first 20 time, upper and lower extremities the 21 second time. 22 Q. What year? 23 A. 2001, 2002. Some of those</p>	<p>1 these and take these. He told me to run 2 four miles, and when I start dragging my 3 leg to come back and see him. 4 Q. When did you go see 5 Dr. Garrison? 6 A. This was 2003. This was at 7 the end -- coming into the end. 8 Q. Was he one of your Workers' 9 Comp doctors? 10 A. He was a Workers' Comp doctor. 11 Q. Had you ever been to 12 Dr. Garrison before? 13 A. No. 14 Q. First time you had ever been 15 there? 16 A. Yes. The first time I went, 17 it was the nurse. The second time I went, 18 it was Dr. Garrison. Donna Smith was at 19 his visits. 20 Q. What kind of doctor is 21 Dr. Garrison? 22 A. Industrial something -- 23 medicine.</p>

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<p>1 Q. Did he give you a functional 2 capacity exam; is that what he did? 3 A. I don't remember. 4 Q. All right. So we have got 5 Dr. Wade, Dr. Katz, Dr. Miller, and 6 Dr. Garrison, all of whom somehow you 7 claim gave either false or, at least, 8 misleading medical information about you 9 to the company? 10 A. I don't know what kind of 11 information they gave to the company. I 12 know how I was treated in their office. 13 Q. All right. Let's talk about 14 that. 15 (WHEREUPON, a document was 16 marked as Defendant's Exhibit 9 and is 17 attached to the original transcript.) 18 Q. We have marked this as 19 Defendant's Exhibit 9. 20 A. All right. 21 Q. Whenever you are done looking 22 through it, you just let me know. 23 A. I'm okay. I was just looking.</p>	<p>1 Q. All right. Do you recall 2 reviewing this document with -- it looks 3 like Norma Heath and Mr. Kelly? 4 A. I remember. 5 Q. You do recall reviewing this 6 document with Ed Kelly? 7 A. Ed Kelly -- I remember -- I 8 think I remember, yeah. 9 Q. All right. I see attached to 10 this what looks like a printout, two 11 pages, called an attendance report. Do 12 you see that? 13 A. Yes. 14 Q. Did you ever see one of these 15 while you worked for the company? 16 A. Yes. 17 Q. Now, this has got your name, 18 Dora Davis. Is that your employee number? 19 A. Let's see. Yes. 20 Q. Zero zero eight nine one? 21 A. I just remember eighty-nine. 22 I used eighty-nine. 23 Q. And this looks like a list of</p>
Page 242	Page 244
<p>1 Q. Have you had a chance to 2 review what has been marked as Exhibit 9 3 to your deposition? 4 A. Yes. 5 Q. Do you recognize this? 6 A. I don't know whether I do or 7 not. 8 Q. All right. Who is Ed Kelly? 9 A. He was a department 10 supervisor. 11 Q. Seaming? 12 A. Yes. 13 Q. Would he have come after 14 Barbara Smith as the supervisor in 15 seaming? 16 A. He was the supervisor for 17 finishing. So we didn't have a 18 permanent -- we only had one supervisor 19 for the seaming, and they only worked day 20 shift. The supervisor from finish would 21 come back and check on it or they were 22 responsible for seaming if we was on 23 second or third shift.</p>	<p>1 all of your absences from work from August 2 the 22nd, 2003, back to August the 29th, 3 2002. Does that look like what it is? 4 A. I don't -- I see the dates. I 5 see the review. I don't remember exactly 6 when I was off and what. 7 Q. Fair enough. If you could 8 remember every one of your absences over a 9 twelve-month period, I would be impressed. 10 I see on here, though -- I 11 just want to ask you some -- just a few 12 questions about what is noted on here. I 13 see some -- clearly some dates on here 14 where you are out that says Workmans' 15 Comp, correct? 16 A. Yes. 17 Q. And there is a column over 18 here and it says number of occurrences. 19 Do you see that column? 20 A. Yes. Yeah. 21 Q. So if I am reading this 22 correctly, it looks like if you were out 23 for Workers' Comp you were not charged an</p>

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<p>1 occurrence; is that correct?</p> <p>2 A. That's right.</p> <p>3 Q. You were not getting an</p> <p>4 occurrence under the company attendance</p> <p>5 policy that could ultimately result in</p> <p>6 discharge?</p> <p>7 A. Yes.</p> <p>8 Q. All right. I also see some</p> <p>9 dates on here -- it looks like three days</p> <p>10 in September of 2002 where you were out on</p> <p>11 family medical leave. Do you see those?</p> <p>12 A. Yes.</p> <p>13 Q. And then there are some that</p> <p>14 look like in November of '02 and then some</p> <p>15 others spread out over the dates. Is</p> <p>16 there any specific instance where -- how</p> <p>17 did you go about getting family and</p> <p>18 medical leave at Albany?</p> <p>19 A. These occasions I had to -- I</p> <p>20 had to have gone to a doctor and he took</p> <p>21 me off work for some reason. I don't</p> <p>22 remember the reason.</p> <p>23 Q. Okay. Fair enough. Did you</p>	<p>1 A. No.</p> <p>2 Q. Is there any instance where</p> <p>3 you asked for family medical leave from</p> <p>4 Albany, backed up by a doctor's</p> <p>5 representation that you needed to be off,</p> <p>6 that Albany denied the request?</p> <p>7 A. No.</p> <p>8 Q. All right. Now, we are done</p> <p>9 with that one.</p> <p>10 During this meeting on October</p> <p>11 the 29th -- I have only got one other copy</p> <p>12 of that. Just take a minute and read over</p> <p>13 that.</p> <p>14 (Pause)</p> <p>15 Q. Have you had a chance to look</p> <p>16 over what we are going to mark as Exhibit</p> <p>17 10 to your deposition.</p> <p>18 (WHEREUPON? A document was</p> <p>19 marked as Defendant's Exhibit 10 and is</p> <p>20 attached to the original transcript.)</p> <p>21 A. Not yet.</p> <p>22 Okay.</p> <p>23 Q. Have you ever seen that</p>
Page 246	Page 248
<p>1 have to go to Linda Jones or Ted Bryant to</p> <p>2 get family medical leave at Albany?</p> <p>3 A. Yes.</p> <p>4 Q. Could you go to either</p> <p>5 Mr. Bryant or Ms. Jones, or who did you go</p> <p>6 to?</p> <p>7 A. We went to Ms. Jones. We only</p> <p>8 went to Ted if Ms. Jones wasn't available.</p> <p>9 Q. Any occasion that you recall</p> <p>10 where you asked for family medical leave</p> <p>11 that the company said no?</p> <p>12 A. The only time is when I asked</p> <p>13 for family leave and you -- the only</p> <p>14 reason you received it was because a</p> <p>15 doctor would take you off. When I was in</p> <p>16 a lot of pain, I would say, look, would --</p> <p>17 I have asked them to allow me to heal, and</p> <p>18 I was never granted that.</p> <p>19 Q. Well, on the occasions where</p> <p>20 you asked them to give you time off to let</p> <p>21 you heal, did a doctor tell the company</p> <p>22 there was a medical reason that you needed</p> <p>23 to be out of work?</p>	<p>1 before?</p> <p>2 A. Yes. I believe so, yes.</p> <p>3 Q. When did you see it?</p> <p>4 A. September the 29th.</p> <p>5 Q. September or October?</p> <p>6 A. October. Sorry.</p> <p>7 Q. That's all right.</p> <p>8 Who showed you this document?</p> <p>9 A. I believe Ted did.</p> <p>10 Q. Was this during the meeting on</p> <p>11 October the 29th with Bob Hampsey, Norma</p> <p>12 Heath, Jeff Johnston, Mr. Bryant, and</p> <p>13 yourself?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. As I read this, it</p> <p>16 appears to me to simply be sort of a</p> <p>17 summary for you of where you stand under</p> <p>18 the company's attendance policy. I mean,</p> <p>19 did this memo in any way result in any</p> <p>20 disciplinary action against you?</p> <p>21 A. Yes.</p> <p>22 Q. What discipline was taken</p> <p>23 against you because of this memo?</p>

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1 A. It's a warning.

2 Q. Well, does this document
3 constitute a warning under the attendance
4 policy?

5 A. Any time you were -- you were
6 -- this was called to your attention, and
7 they, you know, reminded you of your
8 attendance, it was a warning, but it was a
9 verbal.

10 Q. Okay. I see at the last typed
11 paragraph, "We value your years of service
12 with our company and it is our sincere
13 hope that your future attendance record
14 stay within the acceptable guidelines of
15 our plant attendance policy."

16 A. Yes.

17 Q. That doesn't sound like to me
18 that they want to do anything other than
19 make sure you don't accrue enough
20 occurrences to lose your job. I mean, am
21 I missing something in this document? It
22 appears to me that this is just to remind
23 you where you are on the attendance

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1 policy.

2 A. There was a -- this is part of
3 a constant harassment. I mean, they put
4 this here to all sound pretty. When you
5 are going through all of this -- the
6 warnings and the verbal -- the verbal
7 warnings, the written warnings, it is
8 constant harassment.

9 Q. You mean receiving an
10 attendance warning constitutes harassment?

11 A. Yes, because, see -- see, in
12 these you got a warning not year-to-year,
13 you got it year-to-date. It was like you
14 didn't do twelve years -- twelve days a
15 year, you did it year-to-date. It is like
16 before a day could come off it was half
17 into another year. It was like from 2001
18 to 2002. It was like September, 2001,
19 till September, 2002. This was a constant
20 -- like, for instance, this one right
21 here, November 8, 2002 --

22 Q. Right.

23 A. -- I had received probably

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1 about three warnings because of that
2 date. And I constantly -- everytime they
3 would give me a warning, I would remind
4 them that that was a visit to the
5 emergency room.

6 Q. It looks like here they
7 removed a warning from your file because
8 they determined that one absence shouldn't
9 have counted against you. It looks like
10 they took a warning out. Isn't that what
11 they did?

12 A. They took it out. This was
13 after -- I had been constantly warned on
14 this day at least three times or more.

15 Q. But this says -- and you
16 agree -- that they took that warning out
17 of your record?

18 A. They say they took it out.

19 Q. All right. You were subject
20 to the same attendance policy as every
21 other employee in the Montgomery plant?

22 A. Yes, I guess.

23 Q. Do you have any indication

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1 that the policy was applied to you any
2 differently than the way it was applied to
3 any other employees in Montgomery?

4 A. I have no clue.

5 Q. Okay. We have marked this as
6 Exhibit 10.

7 Now, during this meeting on
8 October 29 -- let me put a sticker on
9 that.

10 (WHEREUPON, a document was
11 marked as Defendant's Exhibit 11 and is
12 attached to the original transcript.)

13 Q. We have marked that Exhibit
14 11. Just read over it and let me know
15 when you have had a chance to look at it.
16 (Pause)

17 Q. Have you had a chance to look
18 over what we have marked as Exhibit 11?

19 A. Yes.

20 Q. Have you ever seen that
21 document before?

22 A. Yes.

23 Q. All right. When did you see

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<p>1 it?</p> <p>2 A. October the 29th.</p> <p>3 Q. Who gave it to you?</p> <p>4 A. Ted Bryant, I assume.</p> <p>5 Q. Anywhere in the text of this</p> <p>6 letter did anybody at the company tell you</p> <p>7 you were discharged?</p> <p>8 A. No.</p> <p>9 Q. Were you allowed to keep a</p> <p>10 copy of this letter after that meeting?</p> <p>11 A. I don't remember.</p> <p>12 Q. Okay. I see on the second</p> <p>13 page, next to last paragraph, it looks</p> <p>14 like the company is offering to allow you</p> <p>15 to remain on inactive status for some</p> <p>16 period of time while you try to resolve</p> <p>17 your medical issues. Do you see that?</p> <p>18 A. I see that.</p> <p>19 Q. Is something unfair about -- I</p> <p>20 mean, the way this letter reads to me,</p> <p>21 Ms. Davis, Mr. Bryant and Mr. Johnston and</p> <p>22 the folks at Albany were bending over</p> <p>23 backwards to try to find a way to</p>	<p>1 that I was not in pain. He was telling me</p> <p>2 that I needed to go get a doctor to take</p> <p>3 me off. In terms I was telling him, "You</p> <p>4 give me a doctor that will take me off. I</p> <p>5 don't have a doctor that will take me</p> <p>6 off."</p> <p>7 Q. During this meeting on October</p> <p>8 the 29th, 2003, you resigned from Albany.</p> <p>9 A. No, I did not.</p> <p>10 Q. You didn't?</p> <p>11 A. No.</p> <p>12 Q. You didn't tell anybody at the</p> <p>13 company you were resigning?</p> <p>14 A. No. I told them that I was</p> <p>15 applying -- I had applied for my state</p> <p>16 disability.</p> <p>17 Q. And what did you want them to</p> <p>18 do, just leave you off work waiting on the</p> <p>19 results of that?</p> <p>20 A. No. I wanted them to send me</p> <p>21 to a reputable doctor and get me some</p> <p>22 medical help. Attend to the lower disks,</p> <p>23 the four disks in my lower back, the four</p>
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<p>1 accommodate your doctor saying that you</p> <p>2 could work and you saying you were in</p> <p>3 pain.</p> <p>4 A. It's like I say, I knew</p> <p>5 nothing about an inactive status. I was</p> <p>6 taken off the job.</p> <p>7 Secondly, it was not my</p> <p>8 doctors. I was going to doctors that they</p> <p>9 assigned me to, which they knew that I was</p> <p>10 there unhappy with, because no one was</p> <p>11 doing anything for me.</p> <p>12 When I got to that building, I</p> <p>13 was told by Jeff Johnston he was going to</p> <p>14 have me arrested.</p> <p>15 Q. When you got there --</p> <p>16 A. In this meeting. In this</p> <p>17 meeting. I was told by Jeff Johnston he</p> <p>18 was going to call the police on me.</p> <p>19 Q. Why was he going to call the</p> <p>20 police on you?</p> <p>21 A. Because I wasn't agreeing to</p> <p>22 the -- him. I didn't say what he liked.</p> <p>23 He was telling me that I would have to say</p>	<p>1 disks in my neck, my wrists, and this</p> <p>2 rotator tear scar tissue.</p> <p>3 Q. Who qualifies as a reputable</p> <p>4 doctor?</p> <p>5 A. I have no clue.</p> <p>6 Q. Do you think board</p> <p>7 certification is an indication of the</p> <p>8 quality of a doctor?</p> <p>9 A. I don't know what they do.</p> <p>10 Q. Well, I mean, you wanted them</p> <p>11 to send you to another doctor. As far as</p> <p>12 I can tell from your testimony and your</p> <p>13 record, they -- the company, over the</p> <p>14 course of about fifteen years, had sent</p> <p>15 you to a lot of doctors --</p> <p>16 A. True.</p> <p>17 Q. -- for a lot of treatment.</p> <p>18 I'm trying to determine what</p> <p>19 it is that you think Mr. Bryant and</p> <p>20 Mr. Johnston on October the 29th, 2003,</p> <p>21 still owed you in the way of medical</p> <p>22 treatment.</p> <p>23 A. They did not correct the</p>

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1 injuries. They were not corrected. The
2 four disks in my neck is still hurting me,
3 the lower back is still hurting me, the
4 wrists are still hurting me. I can barely
5 use this hand. I can't stand for it to
6 touch anything. So nothing went away.
7 The shoulder -- I'm still dropping
8 things. I'm still burning my hands when I
9 attempt. I can't open a jar.
10 Q. I will mark this as Exhibit
11 12. Take a look at that for me.
12 (WHEREUPON, a document was
13 marked as Defendant's Exhibit 12 and is
14 attached to the original transcript.)
15 A. I don't remember this.
16 Q. You have had a chance to look
17 over what we have marked as Exhibit 12?
18 A. Yes.
19 Q. Okay. Are you saying that you
20 don't remember that document?
21 A. I don't remember that.
22 Q. Look down there next to
23 employee's comments; is that your

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1 signature?
2 A. That's my signature.
3 Q. Even though you recognize your
4 signature, you just don't remember
5 receiving this document?
6 A. No. I have never seen that
7 before.
8 Q. Well, how do you figure your
9 signature got on it?
10 A. I don't know. Ask them.
11 Q. Are you accusing Mr. Bryant of
12 forging your signature?
13 A. He didn't forge my signature.
14 But he didn't fill that paperwork out on
15 my behalf -- in my presence.
16 Q. How do you think your
17 signature got on there?
18 A. I guess he -- I signed papers
19 after the fact -- before the fact.
20 Q. Before what fact?
21 A. Before he filled those papers
22 out.
23 Q. You don't recall seeing this

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1 document at all?
2 A. I have never seen this.
3 Q. Okay. Do you ever recall
4 seeing a document that looks like that?
5 A. I don't remember this.
6 Q. It is referenced on the first
7 line of Exhibit 12, Voluntary Resignation
8 Form.
9 A. This --
10 Q. No. Exhibit --
11 A. I know what you said. I'm
12 fixing to tell you what I'm confused
13 with.
14 This is the only sheet of
15 paper I saw. I never saw those two piece
16 of paper. When I left there I was told by
17 Ted Bryant, "We are going to send you some
18 documents." I have not seen those
19 documents. When I saw a document -- I got
20 a letter in the mail -- a certified letter
21 in the mail telling me -- I don't even
22 exactly know what it was. I have never
23 seen these papers before.

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1 Q. You got a certified letter in
2 the mail?
3 A. Telling me something about
4 termination.
5 Q. Something about --
6 A. That I was terminated.
7 Q. You said you got a letter that
8 said you were fired?
9 A. I was terminated. It's on
10 that sheet. I called -- who did I call --
11 I called somebody and asked them, "Okay,
12 what does termination mean." I asked them
13 what did termination mean. I told them
14 give me all of their definitions of
15 terminated.
16 Q. Who did you call? Did you
17 call somebody in New York, somebody in
18 Montgomery? Where were they?
19 A. I called New York once, too,
20 but I didn't get any response from New
21 York. I called -- I called -- it had to
22 be either -- if it wasn't the employment
23 office, it was -- the worker's division.

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66 (Pages 261 to 264)

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<p>1 Somebody I called. I don't remember 2 exactly who I called. 3 Q. I'm just going to attach this 4 as Exhibit 13 to your deposition. 5 (WHEREUPON, a document was 6 marked as Defendant's Exhibit 13 and is 7 attached to the original transcript.) 8 Q. You said that you got a 9 certified letter. 10 (WHEREUPON, a document was 11 marked as Defendant's Exhibit 14 and is 12 attached to the original transcript.) 13 Q. Is that the letter that you 14 are referring to? 15 A. Yes. 16 Q. All right. Do you know -- do 17 you recognize the signature on that 18 document? 19 A. No. 20 Q. Do you know anybody named 21 Linda Forget? 22 A. No. 23 Q. Any reason to believe that</p>	<p>1 A. One time I was working the 2 machine and this woman left a banana peel 3 on the table. I asked her to move it 4 off. He told me to take it off. 5 Q. Any other occasions where 6 Mr. Johnston shouted or yelled at you? 7 A. Mostly these meetings -- those 8 meetings that I would go to. 9 Q. Did he ever use any profanity 10 in your presence? 11 A. I don't think so. 12 Q. Ever use abusive language? 13 A. Well, I felt it was abusive 14 when he accused -- wanted to call the 15 police on me. 16 Q. Okay. 17 A. When he told me to get the 18 banana peel. 19 Q. He didn't actually call the 20 police on you, did he? 21 A. No, he didn't. 22 Q. Did anybody at Albany ever 23 have you arrested for any reason?</p>
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<p>1 Ms. Forget ever did anything to you 2 because of your race? 3 A. I have no clue. 4 Q. All right. If I read this 5 right, this looks like it is simply a 6 letter explaining to you what your 7 retirement benefits are from the company. 8 A. The second paragraph. 9 Q. Did Mr. Johnston ever yell at 10 you? 11 A. Yes. 12 Q. When? 13 A. Separate occasions. 14 Q. List them for me. 15 A. The last one when he 16 threatened to call the police on me. 17 Q. Okay. So we have got he 18 shouted at you on October the 29th of 19 2003. Are there any other occasions? 20 A. When he told me to go in the 21 office -- see him in the office. 22 Q. All right. That's two. Any 23 other occasions?</p>	<p>1 A. No. 2 Q. The banana peel, when did that 3 happen? 4 A. It was earlier. I don't know 5 exactly the year or the date. I came in 6 behind a woman and I had to clean up for 7 her. I constantly reminded him that this 8 person was leaving filth. One of our job 9 descriptions is that you clean up your 10 area. And I went -- everytime -- I had to 11 clean up behind her. 12 So this one morning he came -- 13 I believe he was a department manager. He 14 came to the department. I asked him -- I 15 asked him to ask her to clean up behind 16 herself, and he told me to remove the 17 banana peel. 18 Q. Who was the employee who left 19 the banana peel? 20 A. It was Evelyn Morgan. 21 Q. And at the time of this banana 22 peel incident, Mr. Johnston was the 23 seaming department manager?</p>

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<p>1 A. I think so.</p> <p>2 Q. After Mr. Johnston asked you</p> <p>3 to move the banana peel, did you go talk</p> <p>4 to Mr. Bryant in Human Resources?</p> <p>5 A. No.</p> <p>6 Q. Did you try to contact George</p> <p>7 Kazalay about it?</p> <p>8 A. No.</p> <p>9 Q. We have got one handy. I will</p> <p>10 mark this as Exhibit 15.</p> <p>11 (WHEREUPON, a document was</p> <p>12 marked as Defendant's Exhibit 15 and is</p> <p>13 attached to the original transcript.)</p> <p>14 Q. Here is what I want to do.</p> <p>15 I'm just -- your lawyers have provided me</p> <p>16 the names of some folks who may have</p> <p>17 information related to your case. I kind</p> <p>18 of want to go through these folks and see</p> <p>19 who they are and see what it is you think</p> <p>20 they know.</p> <p>21 Who is Glenda Missildine?</p> <p>22 A. She used to work for the</p> <p>23 company.</p>	<p>1 Ms. Missildine, what is her race?</p> <p>2 A. White.</p> <p>3 Q. And what is it that you</p> <p>4 believe Ms. Missildine may know about your</p> <p>5 claims in this case?</p> <p>6 A. She and I worked close</p> <p>7 together, and we was always helping each</p> <p>8 other out. But in reference to Glenda,</p> <p>9 her situation and my situation is similar.</p> <p>10 Q. In what way?</p> <p>11 A. They just did her the same</p> <p>12 way. She just got out of the plant. They</p> <p>13 dismissed her.</p> <p>14 Q. So it's your belief that the</p> <p>15 company treated Ms. Missildine the same</p> <p>16 way it treated you?</p> <p>17 A. If not, close.</p> <p>18 Q. Okay. Did she also have</p> <p>19 workplace injuries?</p> <p>20 A. Yes.</p> <p>21 Q. And she was then moved out of</p> <p>22 the company; is that your belief?</p> <p>23 A. Yes.</p>
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<p>1 Q. What did she do?</p> <p>2 A. She was a seamer.</p> <p>3 Q. And did you work with</p> <p>4 Ms. Missildine in the seaming department?</p> <p>5 A. Yes.</p> <p>6 Q. And you say she used to work</p> <p>7 for the company. Is she gone?</p> <p>8 A. Yes.</p> <p>9 Q. Was she gone before you were?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know how far in advance</p> <p>12 of your departure from Albany</p> <p>13 Ms. Missildine left?</p> <p>14 A. I don't know exactly.</p> <p>15 Q. I mean, any idea? A year, two</p> <p>16 years, five years?</p> <p>17 A. Maybe about five years, I</p> <p>18 guess. I don't know.</p> <p>19 Q. She has been gone about five</p> <p>20 years or she left about five years before</p> <p>21 you did?</p> <p>22 A. Left about five years before.</p> <p>23 Q. All right. And</p>	<p>1 Q. Okay. Have you spoken to her</p> <p>2 at all since she left the company?</p> <p>3 A. Yes.</p> <p>4 Q. Do you keep in touch with her?</p> <p>5 A. I haven't talked to her in a</p> <p>6 long time.</p> <p>7 Q. Okay. Have you talked to her</p> <p>8 about this lawsuit at all?</p> <p>9 A. Yes.</p> <p>10 Q. All right. When did you do</p> <p>11 that?</p> <p>12 A. When I filed it.</p> <p>13 Q. When you filed the federal</p> <p>14 court lawsuit, the state court lawsuit?</p> <p>15 A. Both lawsuits.</p> <p>16 Q. Okay. Do you have a phone</p> <p>17 number for her? Do you know how to reach</p> <p>18 her?</p> <p>19 A. Phone book. I have to look in</p> <p>20 the phone book.</p> <p>21 Q. What did you tell her about</p> <p>22 your lawsuit?</p> <p>23 A. I just told her that -- the</p>

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<p>1 things that I had gone through. And I 2 told her -- I asked her would she be a 3 witness. 4 Q. All right. Did you tell her 5 that you were suing the company? 6 A. Yes. 7 Q. Did you tell her you were 8 suing Jeff Johnston? 9 A. No. No, I didn't. 10 Q. Okay. Jerelene Forest, who is 11 she? 12 A. She was a co-worker. 13 Q. And Ms. Forest's race is? 14 A. Black. 15 Q. She was also a seamer? 16 A. Yes. 17 Q. Was she still with the company 18 at the time you left? 19 A. No. 20 Q. And how far in advance of your 21 departure from Albany did Ms. Forest 22 leave? 23 A. It was some months. I don't</p>	<p>1 A. No, she didn't go on no 2 doctors' visits. 3 Q. All right. Did Ms. Forest 4 ever tell you that she believed that she 5 was in any way treated differently by 6 anybody at Albany? 7 A. Yes. 8 Q. Who? 9 A. I don't remember names, but it 10 has been brought up. 11 Q. When did she bring that up to 12 you? 13 A. Throughout the years. 14 Q. Anything in particular that 15 you recall her mentioning? 16 A. Discrimination, prejudice. 17 Q. Was Ms. Forest already 18 employed at Albany when you were hired in 19 1979? 20 A. Yes. 21 Q. And do you recall any specific 22 person at Albany that Ms. Forest said that 23 she thought was prejudiced?</p>
Page 270	Page 272
<p>1 know how many months, but it was months. 2 Q. Do you know why she left the 3 company? 4 A. First she went off with both 5 wrists. She had surgery on both wrists. 6 And then personal illness. 7 Q. Do you know what the nature of 8 that illness was? 9 A. I don't know. 10 Q. What is it that you believe 11 Ms. Forest knows that relates to your 12 case? 13 A. She can attest to everything 14 that I have told you today. Almost 15 everything. 16 Q. Did -- 17 A. She has been a witness, and -- 18 Q. She has been a witness to 19 which events? 20 A. All of them except for the 21 October 29th situation. 22 Q. Did she go on the doctor 23 visits with you?</p>	<p>1 A. She told me that all of them 2 was prejudiced. 3 Q. Everybody in the plant? 4 A. She told me that all of them 5 was prejudiced. That's just -- that's 6 what she said. 7 Q. Did she explain who them was? 8 A. No. 9 Q. So does that mean everybody 10 else that worked in the plant? 11 A. I don't know. 12 Q. All right. Did she tell you 13 specifically what she meant when she was 14 talking about discrimination? 15 A. Because she had problems with 16 wire assignments. She was one of the 17 better operators. She would be placed in 18 areas to work fabrics that others didn't 19 want to work. She heard racial slurs. 20 She felt that it was a discriminatory, if 21 I am saying it right, practice in the 22 plant about -- against blacks and whites. 23 Q. What practice?</p>

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69 (Pages 273 to 276)

Page 273	Page 275
<p>1 A. Favorable wire assignments, 2 hiring positions. A black person can only 3 go this far, and that was it. 4 Q. You mentioned that Ms. Forest 5 had some knowledge of racial slurs. Did 6 you ever -- while you were in Ms. Forest 7 presence, did you ever hear any racial 8 slurs in the plant? 9 A. Yes, because during the time 10 -- I'm trying to think. Well, in the 11 seaming department, she would be familiar 12 like with most -- I can't speak for 13 Ms. Forest. You know, I can't speak for 14 Ms. Forest. 15 Q. Did she ever tell you what 16 racial slurs she came to have heard in the 17 plant? 18 A. Yes. 19 Q. What did she tell you? 20 A. Niggers. What is it -- 21 something about the gators. Just 22 different things. Gator bait. Different 23 stuff.</p>	<p>1 the term "Nigger"? 2 A. It's been awhile. I can't 3 tell you when, what time, or how. But 4 it's been awhile. 5 Q. Awhile meaning ten years, 6 fifteen years? 7 A. It hadn't been fifteen years. 8 It hasn't been ten years. It's maybe five 9 or six years, something like that. 10 Q. She said that she heard it in 11 the last five or six years, or she told 12 you that five or six years ago? 13 A. It had to be a sooner time 14 that she told me. 15 Q. Who is Katherine Davis? 16 A. Another co-worker. 17 Q. Is she black or white? 18 A. She is black. 19 Q. Also a seamer? 20 A. Yes. 21 Q. Was she already with Albany 22 when you got heard? 23 A. Yes.</p>
Page 274	Page 276
<p>1 Q. Did she tell you who she had 2 heard use the term "Nigger"? 3 A. She -- well, for one person -- 4 I believe it was Dottie. It was Dottie. 5 Q. Do you remember Dottie's last 6 name? 7 A. Brown or Hassell. I guess 8 those are the only two she had. 9 Q. Did she you ever hear Dottie 10 use that term? 11 A. Let's see. I don't exactly 12 remember. You know, I don't exactly 13 remember. I know I have heard of it, but 14 I don't remember. 15 Q. As you sit here today, you 16 have no specific recollection of hearing 17 somebody use the term "Nigger" during your 18 employment with Albany? 19 A. I can't say that. I can't put 20 a finger on when I heard these terms, but 21 I have heard that term. 22 Q. All right. When did Jerelene 23 tell you that she had heard somebody use</p>	<p>1 Q. Was Glenda Missildine already 2 with Albany when you were hired? 3 A. Yes. She had been, but then 4 she came back. She had been and came 5 back. 6 Q. All right. Katherine Davis, 7 was she still employed when you left the 8 company? 9 A. Yes. 10 Q. Does she still work for the 11 company? 12 A. No. 13 Q. Okay. What is it that you 14 believe Ms. Davis knows about your claims 15 in this case? 16 A. I don't know. 17 Q. Have you ever talked to her 18 about your lawsuit? 19 A. Yes. 20 Q. Did you call each -- well, did 21 you call Jerelene Forest about your 22 lawsuit? 23 A. Yes.</p>

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70 (Pages 277 to 280)

Page 277	Page 279
<p>1 Q. So you talked to Ms. Forest 2 about your case? 3 A. Yes. 4 Q. Did you talk to Katherine 5 Davis about your case? 6 A. Yes. 7 Q. During the time that Ms. Davis 8 was employed with the company, did 9 Ms. Davis report to you that she thought 10 that she had been treated differently than 11 any other employees because of her race? 12 A. Yes. 13 Q. Who? 14 A. She has told me that she feels 15 like she has been treated different 16 because of race. 17 Q. When did she tell you that? 18 A. I really can't say exactly 19 when, but she have. 20 Q. Do you remember -- did she 21 describe for you how it is that she had 22 been treated differently? 23 A. I remember one time it was --</p>	<p>1 A. I don't know. 2 Q. Dorothy Collins, did she go by 3 Dot? 4 A. Dot. 5 Q. White or black? 6 A. Black -- I mean, white. 7 Sorry. I'm tired. 8 Q. What is it that you believe 9 Ms. Collins knows about your allegations 10 in this case? 11 A. Basically, everything, because 12 she was with me for the grievances. She 13 had interfered when I was attempting to be 14 fired. 15 Q. She was your union steward? 16 A. Yes. 17 Q. Okay. Shederick Abner? 18 A. Yes. 19 Q. Black or white? 20 A. White -- I mean, black. I 21 think I'm tired. I probably need a break. 22 Q. Are you related to Mr. Abner? 23 A. No.</p>
Page 278	Page 280
<p>1 she was lead, and they placed a white 2 person over her. She had been lead, 3 because she trained me. And they placed 4 -- they took the lead -- the company -- 5 whoever was supervisor or the department 6 manager took the lead job from her and 7 gave it to a white person, who was Letha 8 Arnold. 9 Q. When did that occur? 10 A. This has been a long time. 11 Letha has been gone a long time. 12 Q. 1980s? 13 A. Probably, yeah. 14 Q. Other than this occasion in 15 the 1980s where Ms. Davis was -- Letha was 16 substituted as the lead in place of 17 Ms. Davis, any other examples Ms. Davis 18 ever gave you where she thought she was 19 treated differently? 20 A. I don't remember. 21 Q. Did Ms. Davis ever tell you 22 that she had heard any racial slurs in the 23 plant?</p>	<p>1 Q. Okay. What is it that you 2 think Mr. Abner knows about your claims? 3 A. He was working with me in the 4 department. He was with me when the -- we 5 had to call the paramedics. He filed 6 grievances. And he knows that -- how I 7 was treated. 8 Q. Well, other than this one 9 grievance meeting, did Mr. Abner sit in on 10 any other meetings that you had with Jeff 11 Johnston? 12 A. I don't know. 13 Q. Was Mr. Abner present for any 14 other meetings that you had with 15 Mr. Bryant? 16 A. I don't know. 17 Q. Now, at one point Mr. Abner 18 worked in seaming for a period of time. 19 A. Yes. 20 Q. And then he left seaming and 21 went to weaving? 22 A. No. He was in weaving. He 23 left weaving and came to seaming.</p>

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71 (Pages 281 to 284)

Page 281	Page 283
<p>1 Q. Did he stay in seaming?</p> <p>2 A. Until he was terminated.</p> <p>3 Q. Do you know why he was</p> <p>4 terminated?</p> <p>5 A. I don't know exactly why.</p> <p>6 Q. Were you in any way involved</p> <p>7 in his discharge?</p> <p>8 A. No.</p> <p>9 Q. Do you know if he grieved his</p> <p>10 discharge?</p> <p>11 A. No.</p> <p>12 Q. Okay. Other than the fact</p> <p>13 that -- do you believe Mr. Abner knows</p> <p>14 anything about your employment with the</p> <p>15 company prior to him moving into the</p> <p>16 seaming department?</p> <p>17 A. Pardon?</p> <p>18 Q. Mr. Abner worked in weaving</p> <p>19 and then transferred to the seaming</p> <p>20 department, correct?</p> <p>21 A. Uh-huh (Nodding head).</p> <p>22 Q. Yes?</p> <p>23 A. Yes.</p>	<p>1 same group?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Did Mr. Abner ever</p> <p>4 tell you that he thought he was treated</p> <p>5 differently because of his race?</p> <p>6 A. Yes.</p> <p>7 Q. Did he explain how?</p> <p>8 A. Because of a situation that</p> <p>9 happened in the seaming -- in the weave</p> <p>10 room, because of wire assignments, because</p> <p>11 of actions being taken, the discipline, or</p> <p>12 something like that. So to that extent.</p> <p>13 But what, I don't exactly know.</p> <p>14 Q. Okay. Did you ever encourage</p> <p>15 Mr. Abner if he thought that he was having</p> <p>16 problems that he should go to Human</p> <p>17 Resources and talk to Mr. Bryant?</p> <p>18 A. He filed a grievance.</p> <p>19 Q. I am asking if you recommended</p> <p>20 to him that he should go complain.</p> <p>21 A. I don't believe I recommended</p> <p>22 him, no.</p> <p>23 Q. Have you talked to Mr. Abner</p>
Page 282	Page 284
<p>1 Q. All right. Prior to Mr. Abner</p> <p>2 coming to work in the seaming department,</p> <p>3 y'all were in different areas of the</p> <p>4 plant?</p> <p>5 A. Yes.</p> <p>6 Q. In different work areas?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So you would not really</p> <p>9 have been in a position to have observed</p> <p>10 Mr. Abner's work circumstances when he was</p> <p>11 in weaving?</p> <p>12 A. No.</p> <p>13 Q. He could -- like wise, he</p> <p>14 would not have been in a position to see</p> <p>15 what was going on in the seaming</p> <p>16 department?</p> <p>17 A. No.</p> <p>18 Q. All right. But once he moved</p> <p>19 to seaming, were y'all in the same work</p> <p>20 group?</p> <p>21 A. Yes.</p> <p>22 Q. So y'all were on first shift</p> <p>23 together, second shift; you were in the</p>	<p>1 about your case?</p> <p>2 A. Yes.</p> <p>3 Q. Tell me what y'all talked</p> <p>4 about.</p> <p>5 A. I asked him to be a witness</p> <p>6 for me.</p> <p>7 Q. And what did he say?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And did you talk with</p> <p>10 him in any detail about what you wanted</p> <p>11 him to say?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did you talk to</p> <p>14 Mr. Abner about any issues that he</p> <p>15 previously had with the company?</p> <p>16 A. We talked about them all the</p> <p>17 time. That's before he left the job.</p> <p>18 Q. Okay. Prior to you calling</p> <p>19 him about this lawsuit, had you talked to</p> <p>20 him since he left the company?</p> <p>21 A. I hadn't talked to him in a</p> <p>22 long time. I maybe talked to him once,</p> <p>23 twice. After that -- it was until --</p>

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72 (Pages 285 to 286)

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1 until this came -- this suit came up.
2 Q. Who is Barbara Smith?
3 A. She is my supervisor -- was my
4 supervisor.
5 Q. She is black?
6 A. Yes.
7 Q. She still works for the
8 company?
9 A. Yes.
10 Q. Have you talked to Ms. Smith
11 about your lawsuit?
12 A. No.
13 Q. I think we have talked about
14 Nat Jones.
15 The Donna Smith listed on
16 here. She is the nurse that went with you
17 on doctors' visits, correct?
18 A. Yes.
19 MS. WILLIAMS: Can we take a
20 break?
21 MR. POWELL: Yes, we can. I
22 think that's a good idea.
23 (Off the record discussion, at which time

Page 286

1 the deposition was adjourned at 3:30 PM)
2 C E R T I F I C A T E
3
4 STATE OF ALABAMA)
5 JEFFERSON COUNTY)
6 I hereby certify that the above
7 and foregoing deposition was taken down by
8 me in stenotype, and the questions and
9 answers thereto were transcribed by means
10 of computer-aided transcription, and that
11 the foregoing represents a true and
12 correct transcript of the deposition given
13 by said witness upon said hearing.
14 I further certify that I am
15 neither of counsel nor of kin to the
16 parties to the action, nor am I in anywise
17 interested in the result of said cause.
18
19 DAVID L. MILLER, CSR, RMR
20 Certificate No: AL-CSR-141
21
22 My Commission expires
23 November 30, 2009

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA

DORA DAVIS,

Plaintiff,

v.

APPLETON WIRE COMPANY, and
those persons, corporations and other
legal entities designated herein as
fictitious parties A, B, and C, . . . X, Y
and Z, whose names are otherwise
unknown, but will be added hereto by
amendment when ascertained,

Defendants.

CIVIL ACTION NO.: CV-_____

2005 OCT 21 PM 3:01

COMPLAINT FOR WORKER'S COMPENSATION BENEFITS

COMES now the Plaintiff in the above-styled cause and makes the following complaint for worker's compensation benefits:

COUNT ONE

1. Plaintiff, Dora Davis, is of legal age and is a resident citizen of the State of Alabama.
2. Defendant, Appleton Wire Company, is an Alabama company, and is now and was doing business in Montgomery County, Alabama on or about October 29, 2003, and therefore is subject to the jurisdiction of this Court.
3. On or about October 29, 2003, Plaintiff was employed by Defendant Appleton Wire Company, and was engaged in employment as a nap operator.
4. On or about October 29, 2003, while working within the line and scope of her employment, Plaintiff was caused to be injured, to wit: Plaintiff injured her back, neck, shoulder, and

wrists.

5. Plaintiff further avers that her average wage at the time of his injury made the basis of this claim was approximately \$19.38 per hour.

6. Defendant had timely and actual notice of said accident within the time specified by the Workmen's Compensation Act of the State of Alabama.

7. As a proximate consequence of said injury, arising out of and in the course of her employment by Defendant, Plaintiff has been and will be temporarily totally disabled and will be permanently totally disabled for the rest of her life and has suffered a loss of earning capacity.

8. As a further proximate consequence of said injury and loss of earning capacity, Plaintiff will require vocational rehabilitation to restore Plaintiff to gainful employment.

9. Subsequent to said injury, Plaintiff was caused to obtain medical treatment for her injury and now suffers a permanent partial disability.

10. Defendant has failed to pay all disability benefits and/or necessary and reasonable medical expenses as incurred by the Plaintiff.

11. Defendant has failed to timely pay installments of compensation within thirty (30) days of due date and is therefore liable to Plaintiff in an amount equal to fifteen percent (15%) of each and every such overdue payment.

COUNT TWO

12. Plaintiff realleges Paragraph 1 through 11 of this Complaint as if fully set out herein.

13. On or about October 29, 2003, and at all times relevant hereto, Plaintiff was employed by Defendant.

14. On or about October 29, 2003, Plaintiff sustained injuries arising out of, and in the

course of her employment with Defendant.

15. Further, on or about October 29, 2003, Plaintiff was terminated from her employment with Defendant after Plaintiff instituted and/or maintained action against Defendant to recover workmen's compensation benefits and/or otherwise exercised his rights to recover such benefits under the Alabama Workmen's Compensation Act (hereinafter referred to as "the Act").

16. Plaintiff alleges that her employment was wrongfully terminated by Defendant as a direct result of her making claim for workmen's compensation benefits, and exercising her right therefore, and that such termination was retaliatory and illegal, and in violation of Alabama Code Section 25-5-11.1 (1975).

17. Further, Plaintiff alleges that Defendant terminated Plaintiff's employment solely because Plaintiff claimed rights under the Act, and that such termination was done in violation of said laws with intentional and/or reckless disregard of same and of Plaintiff's rights thereunder.

18. Plaintiff avers that Alabama Code Section 25-5-11.1 (1975) in effect creates an independent cause of action against Defendant for said Defendant's intentional and/or wrongful conduct in terminating Plaintiff, and that said cause of action is not barred by the exclusivity provisions of the Act.

19. As a proximate result of said retaliatory and illegal termination, Plaintiff was injured and damaged as follows:

- a. Plaintiff was caused to suffer severe emotional distress;
- b. Plaintiff was caused to lose wages and valuable employee benefits; and
- c. Plaintiff's employment record was caused to be tarnished.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against Defendant

for compensatory and punitive damages, with costs of Court and any such further relief that this Court shall deem appropriate.

COUNT THREE

20. Plaintiff realleges Paragraphs I through 19 of this Complaint as if fully set out herein.
21. Fictitious party defendants A, B and C are those persons, corporations or other legal entities who or which employed Plaintiff on the occasion of Plaintiff's injury made the basis of this Complaint.
22. Said Defendants have failed to pay all disability benefits and/or necessary and reasonable medical expenses as incurred by the Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests this Honorable Court to issue an Order requiring Defendant to pay any and all medical expenses incident to said injury, and benefits due under the Workmen's Compensation Act of the State of Alabama, including but not limited to temporary installment payments, permanent partial disability payments, vocation rehabilitation benefits, penalties and costs.

RESPECTFULLY submitted on this the 19th day of October, 2005.


DORA DAVIS
Plaintiff

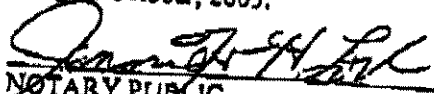
I, the undersigned, DORA DAVIS, being first duly sworn, depose and say: I am a resident citizen of Montgomery County, Alabama. I am the Plaintiff named in the foregoing Complaint. I have read over the Complaint and the facts stated in Counts I and III herein are true and correct according to my information, knowledge and belief.


DORA DAVIS
Plaintiff

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

I, the undersigned authority, a Notary Public in and for said state and county, hereby certify that Dora Davis, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that she executed the same voluntarily on the day the same bears date.

GIVEN under my hand and seal on this 11th day of October, 2005.

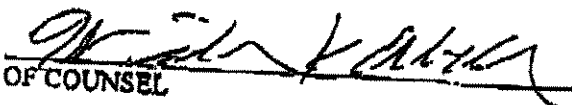

NOTARY PUBLIC
My Commission Expires: 9-23-09


WILLIAM K. ABELL (ABE001)
Attorney for Plaintiff

OF COUNSEL:

SHINBAUM, ABELL, McLEOD & VANN, P. C.
P. O. Box 201
Montgomery, AL 36101-0201
Telephone (334) 269-4440
Facsimile (334) 263-4096

PLAINTIFF HEREBY DEMANDS TRIAL BY STRUCK JURY ON COUNT TWO
OF THIS COMPLAINT.


OF COUNSEL

ALBANY INTERNATIONAL'S
POLICY REGARDING UNLAWFUL
DISCRIMINATION AND HARRASSMENT

It is the policy of the Albany International to provide a work environment free of discrimination or harassment which results in unlawful discrimination. Albany International will not tolerate any form of unlawful harassment based upon an individual's race, color, religion, sex, national origin, age, physical or mental disability, veteran status, or other protected classifications. Any employee acting contrary to this policy will be subject to corrective action up to and including discharge.

According to the EEOC, *Unlawful Harassment* on the basis of race, color, religion, sex, or national origin or other protected classification includes conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Examples of behavior which could be construed as harassment include, but are not limited to:

- slurs, jokes, or other verbal, graphic or physical conduct relating to an individual's race, color, religion or other protected status;
- degrading any protected group or class of people;
- assignment of less desirable work or working conditions to members of such protected groups based solely on their group membership;
- treating protected individuals in a demeaning fashion.

The EEOC guidelines on sexual discrimination define *Sexual Harassment* as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to the conduct is either an explicit or implicit term or condition of employment; (2) submission to or rejection of the conduct is used as a basis for employment decisions affecting the person doing the submitting or rejecting; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Examples of behavior which have been construed to constitute unlawful sexual harassment include:

- explicit or implicit threats to withhold pay increases, benefits or working conditions unless sexual favors or sexual activity is granted;
- promises to improve pay, benefits or working conditions in exchange for sexual favors or sexual activity;
- demanding sexual favors or sexual activity of another employee
- subtle pressure for sexual favors or sexual activity of another employee;
- deliberate, repeated or unsolicited verbal comments, gestures, or physical actions of a sexual nature toward another employee (i.e., lewd or lascivious remarks and unnecessary touching, patting or pinching).

If you feel you have been the victim of harassment... You should immediately contact your Supervisor, your Department Head or the Human Resources Manager. A prompt investigation will be conducted of *each and every complaint* and appropriate action will be taken. The Human Resources Manager has the responsibility for investigating and resolving complaints of harassment. You should report any harassment you either experience or observe. *Under no circumstances will a person's employment be jeopardized because of a report of what he or she perceives in good faith to be an incident of unlawful harassment.*

March 1998

**DEFENDANT'S
EXHIBIT**

Davis 2

ACKNOWLEDGMENT OF SEXUAL HARASSMENT TRAINING

I acknowledge that on 8-12, 1998 I attended sexual harassment sensitivity training entitled, *Is It or Isn't It?*, and I understand that:

1. I have the right to work in an environment free from sexual harassment;
2. I have the responsibility not to engage in behaviors that constitute sexual harassment;
3. If I feel I am being harassed, I have the right and responsibility to communicate this directly to the appropriate party; and
4. I understand my organization's policy on sexual harassment.

Dora Iverson
Signature

Dora Iverson
Please print your name above.

8-12-98
Date

DEFENDANT'S
EXHIBIT

Davis 3